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FEDERAL REGISTER

VOLUME 25 NUMBER 62

Washington, Wednesday, March 30, 1960

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Codification Guide

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

International Cooperation Administration

Effective upon publication in the FEDERAL REGISTER, the title of § 6.349 is amended to read "International Cooperation Administration", paragraphs (a) (4), (b), (e), (g), (h), and (i) (2) and (3) are revoked, paragraph (a) (5), the headnote of paragraph (f) and paragraph (f) (1) are amended, and paragraphs (a) (6), (c) (2), (d) (2), (f) (2), and (j) (1) and (2) are added, as set out below.

§ 6.349 International Cooperation Administration.

(a) *Office of the Director.*

* * * * *

(5) One Chauffeur for the Director.

(6) One Private Secretary to the Deputy Director of the International Cooperation Administration.

* * * * *

(c) *Office of the Deputy Director for Operations.*

* * * * *

(2) One Private Secretary to the Deputy Director for Operations.

(d) *Office of the Deputy Director for Program and Planning.*

* * * * *

(2) One Private Secretary to the Deputy Director for Program and Planning.

* * * * *

(f) *Office of the Deputy Director for Congressional Relations.*

(1) Assistant to the Deputy Director for Congressional Relations.

(2) Deputy Director for Congressional Relations.

* * * * *

(j) *Office of the Deputy Director for Private Enterprise.*

(1) Deputy Director for Private Enterprise.

(2) One Private Secretary to the Deputy Director for Private Enterprise.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant.

[F.R. Doc. 60-2962; Filed, Mar. 29, 1960; 9:01 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

SUBCHAPTER A—MARKETING ORDERS

[Navel Orange Regs. 168 and 172 Terminated]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

§ 914.468 and § 914.472 Navel Orange Regulations 168 and 172.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and this regulation relieves restrictions on the handling of such Navel oranges.

(b) *Order.* (1) The provisions of Navel orange regulations 168 (§ 914.468; 24 F.R. 9048) and 172 (§ 914.472; 24 F.R. 9508), are hereby terminated effective at 12:01 a.m., P.s.t., March 27, 1960.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 25, 1960.

S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 60-2886; Filed, Mar. 29, 1960; 8:51 a.m.]

SUBCHAPTER B—PROHIBITION OF IMPORTED COMMODITIES

PART 1066—IRISH POTATOES

Importation

Notice of rule making regarding a proposed revision of grade, size, quality and maturity regulations governing the importation of Irish potatoes into the United States, effective under section 8e (7 U.S.C. 608e) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), was published in the FEDERAL REGISTER February 19, 1960 (25 F.R. 1492). The proposed revision was concerned only with import requirements for round type red skinned potatoes and no changes in currently effective import requirements for all other types of potatoes were proposed. It was proposed that import requirements for round type red skinned potatoes meet the same grade, size, quality, and maturity regulations as are effective under Order No. 38 (Red River Valley of North Dakota and Minnesota) instead of Order No. 70 (Maine), during the period October 1 through June 30 of each marketing year. The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than 15 days after publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, it is hereby found that the determinations with respect to importation of Irish potatoes into the United States, as hereinafter provided, are in accordance with said section 8e of the Act.

It is hereby further found that good cause exists for not postponing the effective date of this revision until October 1, 1960, as proposed in the notice, or beyond April 1, 1960 (5 U.S.C. 1001–1011), in that (1) market reports indicate prospects of imminent imports of round type red skinned potatoes; (2) this revision has the effect of relieving restrictions on imports of round type red skinned potatoes in that the regulations in effect under Order No. 38 are less restrictive than those in effect under Order No. 70 for such potatoes; (3) compliance with this revision will not require any special preparation by importers; and (4) notice has been given of this revision by publication thereof in the FEDERAL REGISTER of February 19, 1960 (25 F.R. 1492).

Order. In § 1066.1, *Import regulations* (24 F.R. 7809), delete paragraphs (a) and (b), and substitute in lieu thereof new paragraphs (a) and (b) as set forth below (paragraphs (c) through (h), inclusive, remain unchanged.)

§ 1066.1 Import regulations.

(a) *Findings and determinations with respect to imports of Irish potatoes.* (1) Pursuant to section 8e of the Agricultural Marketing Agreement Act of

1937, as amended (7 U.S.C. 601–674), it is hereby found that:

(i) Grade, size, quality, and maturity regulations have been issued from time to time pursuant to the following marketing orders: No. 38 (Part 938 of this chapter), No. 57 (Part 957 of this chapter), No. 58 (Part 958 of this chapter), No. 59 (Part 959 of this chapter), No. 70 (Part 970 of this chapter), and No. 92 (Part 992 of this chapter);

(ii) During the past several years grade, size, quality and maturity regulations have been in effect pursuant to two or more of such orders during each month of the year;

(iii) The marketing of Irish potatoes can be reasonably distinguished by two seasonal categories, namely, first, fall or winter potatoes usually marketed during the months of October through the following June, with the great bulk of such marketings being out of storage, and, second, potatoes marketed during July through September, with the great bulk of such marketings being made as the potatoes are harvested;

(iv) Concurrent grade, size, quality, and maturity regulations under two or more of the aforesaid marketing orders are expected in the ensuing and future seasons, as in the past.

(2) Therefore it is hereby determined that:

(i) Imports of red skinned round type potatoes during the months of October through the following June are in most direct competition with the marketing of the same type potatoes produced in the area covered by Order No. 38.

(ii) Imports of all other round type potatoes during the months of October through the following June are in most direct competition with the marketing of the same type potatoes produced in the area covered by Order No. 70;

(iii) Imports of all round type, including red skinned round type of potatoes, during the months of July through September are in most direct competition with potatoes of the same type produced in the area covered by Order No. 57; and

(iv) Imports of long type potatoes during each month of the marketing year are in most direct competition with potatoes of the same type produced in the area covered by Order No. 57.

(b) *Grade, size, quality and maturity requirements.* On and after April 1, 1960, the importation of Irish potatoes, except certified seed potatoes, shall be prohibited unless they comply with the following requirements:

(1) For the period July 1 through September 30 of each marketing year, the grade, size, quality, and maturity requirements of Marketing Order No. 57 applicable to potatoes of the long or round types, including round type red skinned, shall be the respective grade, size, quality and maturity requirements for imported potatoes of the long or round types, including round type red skinned potatoes.

(2) For the period October 1 through June 30 of each marketing year, the grade, size, quality and maturity requirements of Marketing Order No. 57 applicable to long type potatoes and the grade, size, quality and maturity requirements of Marketing Order No. 38 applicable to red skinned round type potatoes, and the grade, size, quality, and maturity requirements of Marketing Order No. 70 for all other round varieties shall be the respective grade, size, quality and maturity requirements for potatoes imported.

(3) The grade, size, quality, and maturity requirements specified in this paragraph shall apply to imports of potatoes, unless otherwise ordered, on and after the effective date of the applicable domestic regulation or amendment thereto, specified in this paragraph or three days following publication of such regulation or amendment in the FEDERAL REGISTER, whichever is later.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 25, 1960, to become effective April 1, 1960.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 60–2887; Filed, Mar. 29, 1960; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER–299]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Special Income Credits and Debits (Net)

MARCH 25, 1960.

A notice of proposed rule making was published in the FEDERAL REGISTER (24 F.R. 8419) and circulated to the industry as Economic Regulations, Docket 10912, dated October 12, 1959, proposing an amendment to Part 241 which would clarify and define the use of classification "9700 Special Income Credits and Debits (Net)" in carrier accounting practices. Variances in different carriers' practices in the use of such classification indicated this need for a more definitive regulation.

Interested persons have been afforded opportunity to participate in the formulation of this revision, and due consideration has been given to all relevant matter presented. Comments were received from one air carrier and two public accounting firms.

A basic objective of the Board's accounting regulations is the maintenance of uniform practices between carriers to assure the interpretive integrity and comparability of individual account classifications on a continuing basis. Reasonable achievement of these objectives requires that revenue and expense items which represent ordinary recurrent adjustments be shown in the accounts to which ordinarily applicable in order to prevent a cumulative perpetuation of classification errors. An exception to this, the so-called "Special Item," must, by its very terms, be both of an extraordinary nature and of material magnitude. The amendment, in order to clarify what constitutes such an exception, presents a more detailed description of what an item must be in order to be considered of an extraordinary nature. It must be either (a) a net income element which possesses no particular time incidence, (b) a retroactive introduction of an element which is not ordinarily a recurrent component of net income, (c) a retroactive exclusion of an element ordinarily a component of net income of prior periods, or (d) a retroactive adjustment of Federal subsidy due to a revision of subsidy mail rates of prior periods. Under this requirement, items representing ordinary corrections of errors in prior computations of net income would not be characterized as "Special."

In the notice of proposed rule making a standard to implement this principle was proposed. This suggested that an extraordinary item, to be "Special," must exceed one percent of the twelve months-to-date total operating revenues or total operating expenses, depending on the nature of the item. Upon consideration of the comments received, the Board does find that the one percent limitation may be too restrictive. However, the Board does feel a standard is essential and, upon further study, believes that a standard of one-half of one percent of either operating revenues or expenses would be appropriate for measuring materiality.

Some of the comments asserted that materiality should be related to net income and be peculiar to each individual case, whereas the proposed rule relates materiality to operating revenues or operating expenses and establishes a standard for special items. In the Board's opinion, the measurement of materiality of an item in terms of its effect upon net income is not adequate for regulatory purposes inasmuch as the amounts thus indicated to be "material" may in fact be de minimis in absolute amount because of marginal net profit or loss. Moreover, the Board does not agree that the criteria of materiality should be based upon each individual case. For regulatory purposes it is necessary that a standard be established for special items, as well as for other items. Such standards serve the basic objective of reasonably insuring the maximum uniformity of results as between carriers and the integrity of the accounts on a cumulative basis rather than simply within a single accounting period.

Both public accounting firms asserted that the definition of a special item should include material charges or credits resulting from unusual sales of assets not acquired for resale and not of the type in which the company generally deals. The Uniform System of Accounts provides for the inclusion of gains or losses on retirements of property and equipment in nonoperating account 8181 "Capital Gains and Losses." The Board feels that this provision is appropriate for regulatory purposes because it separately identifies an item which is extraneous to the regular transport operations for the current period. Thus, such

an item is included in the specific account provided therefor in the determination of income of the period, and the integrity and historical significance of the individual account is preserved.

The proposed definition of special income credits and debits includes the extraordinary write-off of assets. Comment from the public accounting firms points out that it should include only those write-offs which involve material amounts of intangible assets and certain significant accounting adjustments resulting from refunding or premature retirement of debt. This has been accepted by the Board and the revised rule now so states.

It was also recommended by one of the public accounting firms that recurring adjustments of prior years' income, if of sufficient magnitude, should be classified as special items. The Board feels that income items accounted for in each period which represent adjustments recurrently effected to correct errors in the measurement of income elements of prior periods, as differentiated from the introduction of new elements or the elimination of previously existing elements, must be reflected in the ordinary applicable accounts of the income statement in order to prevent cumulative classification errors. For this purpose, income items resulting from revisions of subsidy mail rates for prior periods will be regarded as new elements rather than adjustments of a recurrent nature.

Finally, it was requested by one of the public accounting firms that an amendment to the format of Form 41 be made whereby the item "Net income before special items" would be changed to "Net income for the year," and "Net income after special items" would be changed to "Net income and special items." It is the Board's opinion that the existing presentation on Form 41 follows a method considered to be an acceptable accounting practice and that the proposal offers no further advantage.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241) effective April 28, 1960 to read as follows:

§ 241.1–3 [Amendment]

1. By modifying the last sentence of § 241.1–3(b) to read as follows: "Profit and loss elements which are recorded during the current accounting year are subclassified as between (1) those which relate to the current accounting year and adjustments of a recurrent nature applicable to prior accounting years, and (2) extraordinary items of material magnitude."

2. By modifying § 241.2–7 *Delayed items,* to read as follows:

§ 241.2–7 Delayed items.

(a) All items affecting net income, including revenue and expense adjustments, shall be recorded in the appropriate profit and loss accounts shown on the income statement, and shall not be entered directly to retained earnings.

(b) Items applicable to operations occurring prior to the current accounting year shall be included in the same accounts which would have been charged or credited if the items had not been delayed; provided that any item of extraordinary nature which is so large in amount that inclusion in the accounts for a single year would materially distort the total operating expenses or total operating revenues, as applicable, shall be included in Profit and Loss classification 9700 Special items. Ordinary adjustments of a recurring nature shall not be considered extraordinary and shall be included in the accounts to which ordinarily applicable. For purposes of this section, debits or credits included in classification 9700 Special items shall be limited to items (1) which have no particular time incidence; (2) which represent revenue or expense elements being retroactively introduced into the basis used for income computation; (3) which represent revenue or expense elements being retroactively eliminated from the basis used for income computation; or (4) which are retroactive adjustments of Federal subsidy due to revisions of subsidy mail rates of prior periods. Examples of extraordinary items to be included in this classification, when of sufficient materiality, are: Catastrophic losses which are not a recurrent business hazard, such as from floods; the retroactive establishment or elimination of previously established reserves; and extraordinary write-offs of intangible assets which through unusual circumstances have become worthless, and adjustments resulting from refunding or premature retirement of debt. As a standard practice, an extraordinary item to be classified as special must exceed one-half of one percent of the twelve months-to-date total operating revenues or total operating expenses depending on the nature of the item. When an item (or items) recorded in the objective accounts of a given function and relating to a single transaction does not exceed this amount but does exceed one percent of the total functional classification of which it is a part, it shall be included in the account to which ordinarily applicable and footnoted on Form 41.

(c) Items applicable to operations occurring in prior quarters of the current accounting year shall be included in the same accounts that would have been charged or credited if the items had not been delayed; provided that, when the total amount of an adjustment recorded in one or more of the regular objective accounts of a given function relating to a single transaction, exceeds one percent of the 12 months-to-date total in the applicable functional account it shall be identified in amount and nature by quarters to which applicable as a footnote to the CAB Form 41 income statement for the quarter in which included.

§ 241.8 [Amendment]

3. By modifying § 241.8 as follows:

a. By modifying that portion of paragraph (d)(1)(i) which follows the second comma to read as follows: "* * * which relate to services performed during the current accounting year, and adjustments of a recurrent nature applicable to services performed in prior accounting years. (See § 241.2–7.)"

b. By modifying that portion of paragraph (d)(2)(i), beginning with "which are attributable," to read as follows: "* * * which are attributable to services performed during the current accounting year, and adjustments of a recurring nature attributable to services performed in prior accounting years. (See § 241.2–7.)"

c. By substituting for the phrase after the last semicolon in § 241.8(d)(3) the following: "and special recurrent items of a non-period nature."

d. By modifying § 241.8(d)(5) to read as follows:

(5) *Special items.* This primary classification (9700) shall include extraordinary credits and debits, exclusive of ordinary adjustments of a recurring nature, that are of sufficient magnitude to materially distort the total operating revenues or total operating expenses and permit misleading inferences to be drawn therefrom. (See § 241.2–7.)

§ 241.12–00 [Amendment]

4. By modifying the second sentence of § 241.12–00(a) by deleting therefrom the phrase "performed during the current accounting period."

5. By modifying § 241.16 *Objective classification; special items,* to read as follows:

§ 241.16 Objective classification; special items.

96 Special Income Credits and Debits (Net). Record here extraordinary income credits or debits accounted for during the current accounting year in accordance with the provisions of § 241.2–7. Records supporting entries to this account shall be maintained with sufficient particularity to identify the nature and gross amount of each special income credit and each special income debit.

97 Special Income Tax Credits and Debits (Net). Record here income taxes allocable to items of income included in profit and loss account 96 Special Income Credits and Debits (Net) and other extraordinary income tax assessments that do not constitute ordinary adjustments of a recurrent nature in accordance with the provisions of § 241.2–7. Records supporting entries to this account shall be maintained with sufficient particularity to identify the nature and gross amount of each special credit and each special debit.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 407, 72 Stat. 766; 49 U.S.C. 1377)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F.R. Doc. 60–2875; Filed, Mar. 29, 1960; 8:50 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59–LA–33; Amdt. 280]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Modification

On December 23, 1959, a notice of proposed rule making was published in

the FEDERAL REGISTER (24 F.R. 10457) stating that the Federal Aviation Agency proposed to modify VOR Federal airway No. 230, between Los Banos, Calif., and Fresno, Calif.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons stated in the notice, § 600.6230 (24 F.R. 10523) is amended to read:

§ 600.6230 VOR Federal airway No. 230 (Salinas, California to Fresno, California.)

From the Salinas, Calif., VOR via the Los Banos, Calif., VOR; INT of the Los Banos 086° True and the Fresno, Calif., VOR 258° True radials; to the Fresno VOR.

This amendment shall become effective 0001 e.s.t., June 2, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on March 24, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-2846; Filed, Mar. 29, 1960; 8:45 a.m.]

[Airspace Docket No. 59-KC-12]

[Amdt. 233]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 276]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of Federal Airway, Associated Control Areas, and Designation of Reporting Points

On December 9, 1959, a notice of proposed rule-making was published in the FEDERAL REGISTER (24 F.R. 9936) stating that the Federal Aviation Agency proposed to amend §§ 600.6218, 601.6218 and 601.7001 of the regulations of the Administrator to modify VOR Federal airway No. 218 by extending the airway and its associated control areas westerly from Malta, Ill., to Rochester, Minn., and redesignating the airway and its associated control areas from Lansing, Mich., to Pontiac, Mich.

As stated in the notice, the present airway structure between the Chicago, Ill., terminal area and the Minneapolis, Minn., terminal area provides for dual routing from Chicago to Nodine, Minn., and from Nodine to Minneapolis, but with these routes converging at Nodine. Extending Victor 218 and its associated control areas from the Malta intersection to the Rochester VOR via the Rockford, Ill., VOR, the Rewey, Wis., VOR, and the Waukon, Iowa, VOR will complete the dual route structure for the entire distance between Chicago and Minneapolis. This dual route will serve the high volume of traffic between these major terminals.

In addition the present segment of Victor 218 and associated control areas between Lansing and Flint is being revoked and this airway and its associated control areas is being redesignated herein via the Lansing VOR 091° T radial which will overlie the proposed Pontiac VOR to be commissioned approximately October 1, 1960, at latitude 42°42'03" N., longitude 83°31'49" W., to its intersection with VOR Federal airway No. 42. This redesignation will provide a more direct airway route between Lansing and Pontiac than now exists since the former route via VOR Federal airway No. 84 and Victor 42 was terminated with the redesignation of Victor 84 via Flint and Peck, Mich., in Docket No. 59-WA-116 (25 F.R. 173).

Furthermore, the Rewey, Wis., VOR and the Waukon, Iowa, VOR will be designated as domestic VOR reporting points for air traffic management purposes.

The ATA objected to the action proposed in the Notice, and recommended the extension of Victor 218 from Flint to London via Peck VOR and the retention of Victor 84 between Lansing and London via the Selfridge VOR. The ATA then suggested that Victor 84 could be utilized whenever military air operations at Selfridge AFB permitted full use of the airway. The Federal Aviation Agency does not concur with the ATA. Victor 84 was redesignated, as pointed out above, so as to remove the airway from the vicinity of the highly concentrated military air operations connected with Selfridge AFB. It thus became necessary to redesignate Victor 218, as effected herein, so as to serve the Pontiac area.

No other adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matters presented.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) § 600.6218 (24 F.R. 10522), § 601.6218 (24 F.R. 10603) and § 601.7001 (24 F.R. 10606) are amended to read:

1. Section 600.6218, as follows:

§ 600.6218 VOR Federal airway No. 218 (Rochester, Minn., to Pontiac, Mich.).

From the Rochester, Minn., VOR via the Waukon, Iowa, VOR; Rewey, Wis., VOR; Rockford, Ill., VOR; INT of the Rockford, Ill., VOR 136° T and Naperville VOR 290° T radials; Naperville, Ill., VOR; Keeler, Mich., VOR; Lansing, Mich., VOR; to the INT of the Lansing VOR 091° T and the Flint, Mich., VOR 140° T radials.

2. Section 601.6218, as follows:

§ 601.6218 VOR Federal airway No. 218 control areas (Rochester, Minn., to Pontiac, Mich.).

All of VOR Federal airway No. 218.

§ 601.7001 [Amendment]

3. Section 601.7001 *Domestic VOR reporting points:* In the text add: Rewey, Wis., VOR., and Waukon, Iowa, VOR.

These amendments shall become effective 0001 e.s.t., June 2, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on March 23, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-2847; Filed, Mar. 29, 1960; 8:46 a.m.]

[Airspace Docket No. 59-WA-82]

[Amdt. 278]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 329]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Modification of VOR Federal Airways, Associated Control Areas, and Revocation of Reporting Point

On January 5, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER (25 F.R. 63) stating that the Federal Aviation Agency proposed to modify segments of VOR Federal airways as follows: Extend Victor 39 from South Boston, Va., to Pinehurst, N.C.; realign Victor 3 between Florence, S.C., and Raleigh-Durham, N.C., via the Pinehurst VOR; realign Victor 155 between Chesterfield, S.C., and Raleigh-Durham via the Pinehurst VOR.

Although not mentioned in the notice, these actions will eliminate the requirement for the Pinehurst intersection as a designated reporting point. Therefore, § 601.7001 of the regulations of the Administrator, relating to Domestic VOR reporting points, is being amended herein to delete Pinehurst intersection as a reporting point.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter received.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (24 F.R. 4530) and for the reasons set forth in the notice, §§ 600.6003 (24 F.R. 10503, 25 F.R. 2011), 600.6039 (24 F.R. 10510, 25 F.R. 1664), 601.6039 (24 F.R. 10599, 25 F.R. 1664), 600.6155 (24 F.R. 10518) and 601.7001 (24 F.R. 10606) are amended as follows:

1. In the text of § 600.6003 *VOR Federal airway No. 3 (Key West, Fla., to Presque Isle, Maine)*, delete "INT of the Florence VOR 008° and the Raleigh VOR 220° radials;" and substitute therefor "Pinehurst, N.C., VOR;".

2. Section 600.6039 *VOR Federal airway No. 39 (South Boston, Va., to Presque Isle, Maine):*

(a) In the caption delete "*(South Boston, Va., to Presque Isle, Maine).*" and substitute therefor "*(Pinehurst, N.C., to Presque Isle, Maine).*"

(b) In the text delete "From the South Boston, Va., VOR via the Gordonsville, Va., VOR;" and substitute therefor "From the Pinehurst, N.C., VOR via the South Boston, Va., VOR; Gordonsville, Va., VOR;".

3. In the caption of § 601.6039 *VOR Federal airway No. 39 control areas (South Boston, Va., to Presque Isle, Maine)*, delete "*(South Boston, Va., to Presque Isle, Maine).*" and substitute therefor "*(Pinehurst, N.C., to Presque Isle, Maine).*"

4. In the text of § 600.6155 *VOR Federal airway No. 155 (Augusta, Ga., to Washington, D.C.)*, delete "point of INT of the Raleigh VOR 220° and the Florence, S.C., VOR 008° radials;" and substitute therefor "Pinehurst, N.C., VOR;".

5. In the text of § 601.7001 *Domestic VOR reporting points*, delete "Pinehurst Intersection: The intersection of the Raleigh, N.C., omnirange 220° T and the Florence, S.C., omnirange 008° T radials."

These amendments shall become effective 0001 e.s.t., June 2, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749; 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on March 24, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-2848; Filed, Mar. 29, 1960; 8:46 a.m.]

[Airspace Docket No. 59-KC-73; Amdt. 85]

PART 608—RESTRICTED AREAS

Modification

The purpose of this amendment to § 608.24 of the regulations of the Administrator is to modify the Manhattan, Kans., Restricted Area (R-197) (Salina Chart).

Restricted area R-197 is presently used by the U.S. Army for mortar, howitzer, antiaircraft and small arms firing, from the surface to 30,000 feet MSL, and controlled by the Commander, Fort Riley, Kans. A recent review of activity within this area indicates that 29,000 feet MSL will encompass all activity currently conducted and expected in the near future. Therefore, the Federal Aviation Agency is reducing the upper altitude limit of R-197 from 30,000 feet MSL to 29,000 feet MSL. Such action will result in the designated altitudes of R-197 extending from the surface to 29,000 feet MSL.

Since this amendment reduces a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following action is taken:

In § 608.24, the Manhattan, Kans., Restricted Area (R-197) (Salina Chart) (23 F.R. 8581) is amended by deleting "Surface to 30,000 feet MSL" and substituting therefor "Surface to 29,000 feet MSL."

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on March 24, 1960.

E. R. QUESADA,
Administrator.

[F.R. Doc. 60-2849; Filed, Mar. 29, 1960; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7688 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Brown & Williamson Tobacco Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.85 *Government approval, action, connection or standards;* § 13.85-35 Government indorsement; § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Brown & Williamson Tobacco Corporation, et al., Louisville, Ky., Docket 7688, February 24, 1960]

In the Matter of Brown & Williamson Tobacco Corporation, a Corporation, Ted Bates & Company, Inc., a Corporation, and David Loomis, Individually and as an Officer and Account Executive of Ted Bates & Company, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a leading manufacturer of tobacco products and its advertising agency with representing falsely in advertising in magazines and newspapers and by radio and television that the filter of "Life" cigarettes retains more of the tar and nicotine in smoke than other cigarette filters, and removes all the tars and nicotine, as proved by an illustrated demonstration; that Life cigarettes are endorsed and sanctioned by the United States Government which has found the smoke of the cigarettes to be lowest in tar and nicotine.

Based on a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became, on February 24, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Brown & Williamson Tobacco Corporation, a corporation, and its officers, and Ted Bates & Company, Inc., a corporation, and its officers, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of Life cigarettes, or any other filter cigarette, whether offered for sale or sold under the same or any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using any pictorial presentation or demonstration purporting to prove that the filter used in said cigarettes absorbs or retains more of the tars or nicotine in cigarette smoke than the filter used in other cigarettes, when such pictorial presentation or demonstration does not in fact so prove, or purporting to prove that the filter used in said cigarettes absorbs or retains all of the tars or nicotine in cigarette smoke.

2. Representing, directly or by implication, that Life cigarettes, or any other filter cigarette offered for sale or sold by respondents, have the sanction of or are approved by the United States Government, or any agency thereof.

3. Representing, directly or by implication, that the United States Government, or any agency thereof, has found that the smoke of Life cigarettes, or any other filter cigarette, is lower in tar or nicotine content when compared with the smoke of other filter cigarettes.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to respondent David Loomis.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Brown & Williamson Tobacco Corporation, a corporation, and Ted Bates and Company, Inc., a corporation, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 24, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-2858; Filed, Mar. 29, 1960; 8:47 a.m.]

[Docket 7062 o.]

PART 13—PROHIBITED TRADE PRACTICES

Samuel A. Mannis and Samuel A. Mannis & Co.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* § 13.155-80 Retail as cost, etc., or discounted. Subpart—Invoicing products falsely. § 13.1108 *Invoicing products falsely:* § 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling:

§ 13.1212 *Formal regulatory and statutory requirements:* § 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 Fur Products Labeling Act; § 13.1880 *Old, used, or reclaimed as unused or new.*

(Sec. 6, Stat. 722; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 719; 15 U.S.C. 45, 69f) [Cease and desist order, Samuel A. Mannis & Co., Hollywood, Calif., Docket 7062, February 9, 1960]

This case was heard by a hearing examiner on the complaint of the Commission charging the concessionaire of the fur department of a Pasadena department store, added by the purchaser of the stores' merchandise following its bankruptcy, with violating the Fur Products Labeling Act by failing to comply with labeling, invoicing and advertising requirements including failure to use the term "Second-Hand", naming other animals than those producing certain furs, and representing himself falsely as the manufacturer of his fur products; by advertising sales below cost, fur products as from a distress source and as guaranteed, etc.; and by failing to keep adequate records as a basis for pricing claims.

From the initial decision, counsel filed cross-appeals both of which were granted in part. The initial decision was thereupon modified in accordance with the Commission's opinion and, as so modified, on February 9, was adopted as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Samuel A. Mannis, an individual, doing business as Samuel A. Mannis and Company, or under any other trade name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution in commerce of any fur product, or in connection with the sale, advertising, offering for sale, transportation or distribution of any fur product which has been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Misbranding fur products by:

A. Falsely or deceptively labeling or otherwise identifying any such product as having been manufactured or originally created or designed by or for respondent.

B. Failing to affix labels to fur products showing in words and figures plainly legible all information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

C. Using the term "blended" on labels to refer to or describe fur products which contain or are composed of bleached, dyed, or otherwise artificially colored fur.

D. Failing to set forth the term "Second-hand" on labels affixed to fur products that have been used or worn by an ultimate consumer.

E. Setting forth on labels affixed to fur products information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder which is abbreviated, handwritten or mingled with non-required information.

2. Falsely or deceptively invoicing fur products by:

A. Failing to furnish to purchasers of fur products invoices showing all information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting forth on invoices the name or names of any animal or animals other than the name or names of the animal or animals that produced the fur contained in said fur product.

C. Failing to set forth the term "Second-hand" on invoices issued in connection with the sale of fur products that have been used or worn by an ultimate consumer.

3. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

A. Sets forth information required by section 5(a)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form.

B. Fails to designate as "Second-hand" fur products that have been used or worn by an ultimate consumer.

C. Represents, directly or by implication, and contrary to the facts, that any such fur products:

(1) Are being offered for sale at or below respondent's wholesale cost.

(2) Must be sold by respondent without regard to cost or loss.

(3) Were manufactured or originally created or designed by or for respondent.

(4) Were secured by respondent from a source that is in financial or other distress.

D. Represents, contrary to the fact, that respondent has thousands of fur products for customers to choose from.

E. Represents, directly or by implication, that respondent is a manufacturer or wholesaler of fur products or that fur products can be purchased from respondent without a middleman's profit.

F. Represents, directly or by implication, that any fur product is guaranteed, unless the nature and extent of such guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously set forth.

G. Uses the term "written bonded appraisal", or terms of similar import or meaning, to represent the value of fur products being offered for sale unless such valuations are based upon authentic and bona fide appraisals of value by qualified appraisers having no pecuniary or other interest in such fur products.

H. Making pricing claims and representations of the type referred to in subparagraph (1) of paragraph C above unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the allegations of the complaint that the respondent removed, or caused or participated in the removal of, prior to the time certain fur products were sold and delivered to the ultimate consumer, labels required by the Fur Products Labeling Act to be affixed to such products; or falsely invoiced certain fur products as charged in subparagraphs (a) and (c) of Paragraph Nine of the complaint; or falsely advertised free storage, as alleged in Paragraph Seventeen of the complaint; or falsely advertised fur products through use of deceptive percentage savings claims, as alleged in Paragraph Eighteen of the complaint, be, and they hereby are, dismissed.

By "Decision of the Commission", report of compliance was required as follows:

It is further ordered, That respondent, Samuel A. Mannis, shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist contained herein.

Issued: February 9, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60–2859; Filed, Mar. 29, 1960; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 221—OPERATION AND MAINTENANCE CHARGES

Uintah Indian Irrigation Project, Utah

BASIC WATER CHARGES

In order to permit the completion of an investigation as to the basic water charge which should appropriately be made with respect to the operation and maintenance of the Uintah Indian Irrigation Project, Utah, the due date as fixed in § 221.78 for assessments provided in §§ 221.77 and 221.77b of Title 25 of the Code of Federal Regulations is hereby extended to May 1, 1960, for the 1960 irrigation season only.

ELMER F. BENNETT,
Acting Secretary of the Interior.

MARCH 28, 1960.

[F.R. Doc. 60–2934; Filed, Mar. 29, 1960; 8:53 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

Exemption of Common Carriers by Water

Section 1453.3(d)(2) *Fiscal years ending on or after December 31, 1953* is amended by deleting, in subdivision (i) thereof, the words "January 1, 1959", and inserting in lieu thereof the words "January 1, 1960".

(Sec. 109, 65 Stat. 22; 50 U.S.C. App. Sup. 1219)

Dated: March 25, 1960.

THOMAS COGGESHALL,
Chairman.

[F.R. Doc. 60-2874; Filed, Mar. 29, 1960; 8:50 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 6 (INS-1, Seventh Rev., Amdt. 2)]

INS-1 MARINE PROTECTION AND INDEMNITY INSURANCE INSTRUCTIONS UNDER GENERAL AGENCY AND BERTH AGENCY AGREEMENTS

Miscellaneous Amendments

Effective as of March 31, 1960, midnight, e.s.t., INS-1 is hereby amended as follows:

Section 1. [Amendment]

1. Amend section 1 What this order does by changing the attachment date stated therein to read March 31, 1960, midnight, e.s.t.

2. Amend sec. 2 to read as follows:

Sec. 2. Insurer.

The Maritime Administration has negotiated a contract with the National Automobile and Casualty Insurance Company, 639 South Spring Street, mail address Box 5780, Metro. Station, Los Angeles 55, California (referred to in this order as the "underwriter"), for the renewal of the current protection and indemnity insurance on the same terms and conditions as expiring, including the per annum premium rate of $3.50 per gross registered ton of each insured vessel. The insuring agreement covers the period from March 31, 1960, midnight, e.s.t., to March 31, 1961, midnight, e.s.t. The insurance is only altered to the extent that in all suits against the General Agents where the United States has not been named as a party defendant, the underwriter will refer such suits to the Department of Justice in order that appropriate defenses may be promptly entered to obtain dismissal of the action.

Sec. 4. [Amendment]

3. Amend section 4 *Vessels insured and terms of insurance* by changing the attachment date stated therein to read March 31, 1960, midnight, e.s.t., and by changing the expiration date stated therein to read March 31, 1961, midnight, e.s.t. The annual premium rate remains the same at $3.50 per gross registered ton on a daily pro rata basis.

Sec. 5. [Amendment]

4. Amend paragraph (e) of section 5. *Assumption of risk by Owner and attachment and cancellation dates of commercial insurance* by changing the attachment date stated therein to read March 31, 1960, midnight, e.s.t.

Sec. 7. [Amendment]

5. Amend paragraph (a) of section 7 *Insurance premiums* by changing the expiration date stated therein to read March 31, 1961, midnight, e.s.t.

Sec. 9. [Amendment]

6. Amend paragraph (c) of section 9 *Settlement of claims* by changing the attachment date stated therein to read March 31, 1960, midnight, e.s.t.

Sec. 11. [Amendment]

7. Amend paragraph (b) of section 11 *Report of claims* by changing the reporting date stated therein to read December 31, 1960.

In accordance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found to be impracticable and not in the public interest to delay the effective date thereof; therefore, the foregoing amendments shall be effective as aforesaid.

Dated: March 22, 1960.

WALTER C. FORD,
Deputy Maritime Administrator.

[F.R. Doc. 60-2843; Filed, Mar. 29, 1960; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 60-16]

SUBCHAPTER K—SECURITY OF VESSELS

PART 124—CONTROL OVER MOVEMENT OF VESSELS

Advance Notice of Time of Arrival of Vessels

By Executive Order 10173 the President found that the security of the United States is endangered by reason of subversive activities and prescribed certain regulations relating to the safeguarding against destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature to vessels, harbors, ports, and waterfront facilities in the United States, and all territory and waters, continental or insular, subject to the jurisdiction of the United States exclusive of the Canal Zone.

Pursuant to the authority of 33 CFR 6.04-8 in Executive Order 10173 (15 F.R. 7007; 3 CFR, 1950 Supp.) the Captain of the Port may supervise and control the movement of any vessel and shall take full or partial possession or control of any vessel or any part thereof within the territorial waters of the United States under his jurisdiction whenever it appears to him that such action is necessary in order to secure such vessel from damage or injury or to prevent damage or injury to any waterfront facility or waters of the United States or to secure the observance of rights and obligations of the United States.

The provisions of 33 CFR 124.10 set forth the requirements regarding the advance notice of vessel's estimated time of arrival to be furnished to the Captain of the Port. The new section designated 33 CFR 124.20 describes the statutory penalties for failure to give required advance notice of time of arrival.

Because of the national emergency declared by the President, it is found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173 as amended by Executive Orders 10277 and 10352, I hereby prescribe the following amendments which shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

1. Section 124.10 is amended to read as follows:

§ 124.10 Advance notice of vessel's time of arrival to Captain of the Port.

(a) The master or agents of every foreign vessel and every documented vessel of the United States arriving at a United States port or place from a port or place outside the United States or destined from one port or place in the United States to another port or place in the United States shall give at least 24 hours' advance notice of arrival to the Captain of the Port at every port or place where the vessel is to arrive except as follows:

(1) When the port of arrival is not located within geographical area assigned to a particular Captain of the Port, this advance notice of time of arrival shall be made to the Commander of the Coast Guard District in which such a port or place is located.

(2) When there is "force majeure," and it is not possible to give at least a 24 hours' advance notice of time of ar-

rival, then advance notice as early as practicable shall be furnished.

(3) When the vessel, while in United States waters, does not navigate any portion of the high sea, i.e. any portion of the open sea, below the low water mark along the coasts and projections of the land across the entrances of bays, sounds and other bodies of water which join the open sea.

(4) When a vessel is engaged upon a scheduled route if a copy of the schedule is filed with the Captain of the Port for each port of call named in the schedule and the times of arrival at each such port are adhered to.

(5) When the master of a merchant vessel (except on a coastwise voyage of 24 hours or less) reports in accordance with the U.S. Coast Guard's voluntary "Merchant Vessel Reporting Program", he shall be considered to be in constructive compliance with the requirements of subparagraph (1) of this paragraph, and no additional advance notice of vessel's arrival reports to the Captain of the Port are required. The master or agent of a vessel on coastwise voyages of 24 hours or less shall report the advance notice of vessel's arrival as provided in subparagraph (1) of this paragraph.

(6) When a vessel which is engaged in operations in and out of the same port, either on voyages to sea and return without having entered any other port, or on coastwise voyages within the same Coast Guard District, or from ports within the First, Ninth, Thirteenth or Seventeenth Coast Guard Districts to adjacent Canadian ports, and where no reason exists which renders such action prejudicial to the rights and interests of the United States; the Coast Guard District Commander having jurisdiction may prescribe conditions under which Coast Guard Captains of the Ports may consider such a vessel as being in constructive compliance with the requirements of this section without the necessity for reporting each individual arrival.

(7) When the vessel is entering the Great Lakes. If, however, the vessel is bound for a United States' port in the Great Lakes, the master or agents of the vessel shall:

(i) Immediately on the vessel's entry into Lake Ontario inbound, advise the Commander, Ninth Coast Guard District, of the vessel's first intended United States port of call and estimated time of arrival in that port.

(ii) Upon the vessel's arrival in the first United States port, cause to be delivered to the Captain of the Port, an itinerary giving the vessel's foreign ports of call during the preceding six months or last visit to a United States port whichever is later, the intended ports of call on the Great Lakes, and the estimated dates of arrival.

(iii) Thereafter, immediately advise the Commander, Ninth Coast Guard District, when the necessity of a deviation from that itinerary becomes known.

2. Part 124 is amended by adding a new section at the end thereof reading as follows:

§ 124.20 Penalties for violations.

Failure to give advance notice will subject the master or agents of a vessel to the penalties of fine and imprisonment, as well as subject the vessel to seizure and forfeiture, as provided in section 2, Title II of the Act of June 15, 1917, as amended, 50 U.S.C. 192. In addition, such failure may result in delay in the movement of the vessel from the harbor entrance to her facility destination within the particular port.

(Sec. 1, 40 Stat. 220, as amended; 50 U.S.C. 191, E.O. 10173, 15 F.R. 7005, 3 CFR, 1950 Supp., E.O. 10277, 16 F.R. 7537, 3 CFR, 1951 Supp., E.O. 10352, 17 F.R. 4607, 3 CFR, 1952 Supp.)

Dated: March 23, 1960.

[SEAL] A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 60-2872; Filed, Mar. 29, 1960; 8:50 a.m.]

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Pensacola Bay, Fla.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.176 establishing and governing the use and navigation of a seaplane restricted area in Pensacola Bay, Florida, is hereby amended redesignating the southern boundary of the area, revising paragraph (a) to read as follows:

§ 207.176 Pensacola Bay, Fla.; seaplane restricted area.

(a) *The area.* Beginning at latitude 30°22'28", longitude 87°16' 00"; thence to latitude 30°21'02", longitude 87°14'20"; thence to latitude 30°20'02", longitude 87°15,16"; thence to latitude 30°20'11"; longitude 87°17'58"; and thence to 272° true to the shore.

Regs., March 15, 1960, 285/91 (Pensacola Bay, Fla.)—ENGCW-O] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

R. V. LEE,
Major General, U.S. Army, The Adjutant General.

[F.R. Doc. 60-2845; Filed, Mar. 29, 1960; 8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 60-17]

CHARACTER REFERENCES FOR DECK OFFICERS, VERIFICATION OF TANK VESSEL CERTIFICATES OF INSPECTION, WITNESS FEES CLAIMED ON STANDARD FORMS, AND SPARE PORTABLE FIRE EXTINGUISHERS FOR PUBLIC NAUTICAL SCHOOL SHIPS

The amendments in this document are editorial in nature and bring up-to-date certain procedures, or set forth interpretations used as a basis for administration or enforcement of certain vessel inspection laws.

The amendment to 46 CFR 10.02-5 (i)(1), regarding general requirements for persons to obtain deck or engineer officers' licenses, eliminates from the character check and reference requirements that the applicants for original deck licenses shall obtain written endorsements of engineers on vessels on which the applicants have served.

The amendment to 46 CFR 31.05-1(c) cancels the procedural requirements that the Officer in Charge, Marine Inspection, signing a certificate of inspection for a tank vessel will have it verified by his oath before a chief officer of the customs of the district or before any other person competent by law to administer oaths. This practice was discontinued when R.S. 4421 (46 U.S.C. 399) was amended by the Act of June 8, 1955, which abolished the statutory requirement that certificates of inspection had to be issued with verifications by oath.

The amendment to 46 CFR 136.11-10 changes the reference to the standard form used for request for payment of witness fees, subsistence, and mileage from "Standard Form No. 1034" to "Standard Form No. 1157." Standard Form No. 1157, Claim for Fees and Mileage of Witness, is specifically intended for this purpose. It has been found that Standard Form No. 1034, Public Voucher for Purchases and Services Other Than Personal, is difficult for the average witness type claimant to use.

The amendment to 46 CFR 167.45-70 (a) revises the regulations regarding portable fire extinguishers for public nautical schoolships so that the requirements for these ships will be similar to those for other vessels concerning spare fire extinguisher charges or spare extinguishers in lieu of spare charges. There are now several varieties of approved portable fire extinguishers which cannot be readily recharged by the vessel's personnel. In practice spares have been required for these varieties to the same extent that spares are required for CO_2 extinguishers, rather than prohibiting their use.

Because the amendments in this document are editorial, interpretations, or pertain to procedures, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof) is deemed to be unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-9, dated August 3, 1954 (19 F.R. 5915), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated

July 24, 1956 (21 F.R. 7605), and 167–38, dated October 26, 1959 (24 F.R. 8857), to promulgate regulations in accordance with the statutes cited with the regulations below, the following regulations are prescribed and shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

Subpart 10.02—General Requirements for all Deck and Engineer Officers' Licenses

Section 10.02–5(i)(1) is amended to read as follows:

§ 10.02–5 Requirements for original licenses.

* * * * *

(i) *Character check and references.* (1) The Officer in Charge, Marine Inspection, shall require each applicant for an original license to have the written endorsement of the master and that of two other licensed officers of a vessel on which he has served. For a license as engineer or as pilot at least one of the other endorsers shall be the chief engineer or licensed pilot, respectively, of a vessel on which the applicant has served. Where no sea service is required for a license, the applicant may have the endorsement of three reputable persons to whom he is known.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4426, as amended, 4427, as amended, 4438–4442, as amended, 4445, as amended, 4447, as amended, sec. 2, 29 Stat. 188, as amended, sec. 1, 34 Stat. 1411, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 7, 53 Stat. 1147, as amended, secs. 7, 17, 54 Stat. 165, as amended, 166, as amended, sec. 3, 54 Stat. 346, as amended, secs. 2, 3, 68 Stat. 484, 675, sec. 3, 70 Stat. 152; 46 U.S.C. 391a, 404, 405, 224, 224a, 226, 228, 229, 214, 231, 233, 225, 237, 367, 247, 526f, 526p, 1338, 293b, 50 U.S.C. 198, 46 U.S.C. 390b)

SUBCHAPTER D—TANK VESSELS

PART 31—INSPECTION AND CERTIFICATION

Subpart 31.05—Certificates of Inspection

§ 31.05–1 [Amendment]

Section 31.05–1 *Issuance of certificate of inspection—TB/ALL* is amended by canceling paragraph (c) and by redesignating paragraph (d) as paragraph (c).

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 3, 68 Stat. 675, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

SUBCHAPTER K—MARINE INVESTIGATIONS AND SUSPENSION AND REVOCATION PROCEEDINGS

PART 136—MARINE INVESTIGATION REGULATIONS

Subpart 136.11—Witnesses and Witness Fees

§ 136.11–10 [Amendment]

Section 136.11–10 *Witness fees, subsistence, and mileage* is amended by changing the number of the Standard Form from "1034" to "1157" in the second sentence of paragraph (a) and in the first sentence of paragraph (b).

(R.S. 4405, as amended, 4462, as amended. Interpret or apply R.S. 4450, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 239, 367, 390b, 50 U.S.C. 198)

SUBCHAPTER R—NAUTICAL SCHOOLS

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

Subpart 167.45—Special Fire-Fighting and Fire Prevention Requirements

Section 167.45–70 is amended by revising paragraph (a) and subparagraph (a)(2) to read as follows:

§ 167.45–70 Portable fire extinguishers, general requirements.

(a) Extra safety-valve units shall be carried on board for 50 percent of the hand fire extinguishers of the foam type. Extra charges shall be carried on board for 50 percent of each size and variety of fire extinguishers provided. If 50 percent of each size and variety of fire extinguishers carried gives a fractional result, extra charges and extra safety-valve units shall be provided for the next largest whole number.

* * * * *

(2) When the portable fire extinguisher is of such variety that it cannot be readily recharged by the vessel's personnel, one spare unit of the same classification shall be carried in lieu of spare charges for all such units of the same size and variety.

(R.S. 4405, as amended; 46 U.S.C. 375. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4428–4434, as amended, 4450, as amended, 4488, as amended, 4491, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, as amended, secs. 1–21, 54 Stat. 163–167, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 406–412, 239, 481, 489, 363, 367, 526–526t, 50 U.S.C. 198, E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Dated: March 23, 1960.

[SEAL] A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 60–2873; Filed, Mar 29, 1960; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 943]

[Docket No. AO-231-A12]

MILK IN THE NORTH TEXAS MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the North Texas marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Dallas, Texas, on October 28, 1959, pursuant to notice thereof which was issued October 21, 1959 (24 F.R. 8653).

The material issues on the record of the hearing related to:

1. A revision, both of the Class I differential and of the supply-demand adjustment norms;
2. The definition of "supply plant";
3. A revision of the method of applying a charge to inventories which are allocated to Class I;
4. The exclusion of lactose from the computation of a handler's utilization;
5. The inclusion in the order of an "equivalent price" provision; and
6. Changing from a "market-wide" to an "individual-handler" pool.

Findings and conclusions. The following findings and conclusions on the material issues are based on the evidence presented at the hearing and the record thereof:

1. The Class I differential should be revised to provide a greater seasonality in the Class I price.

On an annual average, at the present time, the North Texas price is in a reasonable relationship with prices at those points in Missouri, Iowa, and Wisconsin where alternative supplies are available. Even though prices are comparable on an annual average, North Texas prices have been out of line with those in the Midwest during the months of heaviest production because the seasonal pricing pattern in North Texas has differed from that of other markets. The present order provides a Class I differential during March, April, May and June which is 20 cents less than that during other months; whereas in most Midwest markets, the differential is 40 cents lower in April, May and June than during other months.

In the past substantial quantities of other source milk have been imported by North Texas handlers during the April-June period, even though ample supplies of local producer milk were available, because the handler who purchased such other source milk was able to buy it delivered to Dallas at a price lower than the North Texas Class I price. Changing the seasonal pattern of the Class I differential without materially affecting its annual level will remove the incentive to bring in outside supplies when local production is adequate to meet the market requirements.

The Class I differential should be fixed at $1.85 per hundredweight during the months of March through June and at $2.25 for all other months. While this results in a reduction of approximately one and one-half cents per hundredweight in the annual average of the differential, the changes in the supply-demand adjustment which have been recommended below will offset this change. Thus at any given supply-demand relationship there will be no reduction in the actual Class I prices to producers on the annual average from that which would otherwise prevail.

The supply-demand adjustment norms in the order should be revised to reflect the change in the seasonal pattern of production that has taken place in Texas markets, and the range within which no adjustment takes place should be widened to prevent frequent erratic changes in the Class I price.

In the last 2 years production in the late summer and fall has been higher in relation to sales than that set forth in the supply-demand norms provided in the order. During the winter and early spring, however, production in relation to sales has been lower than that which prevailed during the period on which the norms are based. As a result, the effect of the supply-demand adjustor in the past 2 years has been to increase Class I prices at the beginning of the flush production season and to reduce them substantially during the fall months when production generally is lower and Class I sales are usually at their peak.

To mitigate its adverse effects on production during the past fall, an order was issued suspending a portion of the supply-demand adjustment of the Class I price. The substantial reduction in price, which otherwise would have occurred, threatened a serious curtailment of the production for the market and the possibility of a shortage of milk this winter.

The standard norms provided in the order should be revised seasonally to prevent unwarranted contraseasonal movements in price. The spread between the maximum and minimum percentages within which no adjustment takes place should also be widened to 6 percentage points to prevent frequent short time changes of only a cent or two in the level of the Class I price.

In the revised table of supply-demand norms, although there is a considerable degree of variation from month to month between the present and proposed standards, the minimum percentages set forth will average slightly higher, on a yearly basis, than those now in the order. The widening of the range within which the supply-demand percentages can fluctuate without a change in price taking place, coupled with the proposed seasonal changes in the percentages, would have had the effect of reducing prices slightly below those which have prevailed during March, April, May and June, but would have prevented the very substantial reduction in price which has occurred in the fall months in the past two years.

Producers also proposed that a contraseasonal limitation provision be incorporated in the supply-demand adjustor, applicable for the months of June through November, and that the present provision which limits the maximum operation of the adjustor to plus or minus 50 cents be reduced to plus or minus 25 cents.

The purpose of the supply-demand adjustor is to reflect in the Class I price, changes in the relationship of producer receipts to Class I sales. It is not intended to affect Class I prices seasonally during the year. To limit the operation of the supply-demand adjustor seasonally would tend to nullify its effectiveness. Similarly, reducing the maximum limits within which the supply-demand adjustor can operate would also serve to nullify its effectiveness.

It is concluded that in view of the supply-demand conditions prevailing in the marketing area and the revised supply-demand norms as provided for herein, the adjustor's proper functioning should not be impaired, either by limiting it seasonally or by reducing the total range within which it may operate.

2. The definition of the term, "supply plant", should be revised to delete the requirement that such a plant be under the routine inspection of the appropriate health authority.

Under the present requirements a plant which is approved to ship milk could dispose of its entire receipts in the North Texas marketing area every day in the year and still fail to qualify as a pool plant if the health authority failed to make its routine inspection. Whether an

approved plant is pooled under the order should depend on its degree of association with the market and not on the regularity of inspection by the health authority which has issued the approval.

The performance standards now in the order are such that only a plant which has a definite association with the market participates in the market-wide pool. Adoption of the proposal will not change this situation and it will permit participation therein by other plants which may become an important source of supply but which may not be subject to regular periodic inspection by a local authority.

3. No change should be made in the present practice of applying a reclassification charge to inventories which are subsequently allocated to Class I.

The purpose of the charge on inventory which is reclassified as Class I the following month is to insure that all handlers pay at least the Class I price for milk which is disposed of for Class I use. A charge is made only if the handler had receipts of producer milk in excess of his Class I use or receipts of other source milk which were not classified and priced as Class I milk under another Federal order during the preceding month which are allocated to Class I use in the current month. To remove the reclassification charge on such milk would afford handlers an opportunity to gain a competitive advantage by building up inventories of producer milk at the Class II price or of unpriced other source milk and disposing of such milk for Class I use in certain months.

4. Lactose or any other ingredient derived entirely from milk, when added to a fluid milk product should continue to be accounted for in the same manner as nonfat dry milk or condensed skim milk which is used in the reconstitution or fortification of fluid milk products.

The proponents of the proposal to exclude such lactose from being accounted for under the order argued that it should be considered in the same category as chocolate, sucrose, or any other nonmilk ingredient which might be used as a flavoring or stabilizing agent in the manufacture of certain fluid milk products, since it is added solely to enhance the flavor and increase the salability of the product. This does not afford a basis for distinguishing between the method of accountng for lactose and for other milk solids that may be added to fluid milk, since the principal reason for adding such solids is likewise to improve the flavor or body and increase the salability of the product.

The major problem here is to find a basis for distinguishing lactose from other milk products used for fortification. The record did not disclose sufficiently the methods by which this distinction could be made. Consequently there is insufficient evidence on which to change the method of accounting employed by the market administrator.

It is concluded therefore that the addition of lactose to a fluid milk product should continue to be considered the same as the addition of any other nonfat milk solid and the practice of converting to a fluid equivalent on the same basis as other solids in the accounting procedures of the order should be continued.

5. A section should be added to the order providing that, in the event one of the price quotations prescribed for use in making any of the computations in the order is not published or available, the market administrator shall use a price determined by the Secretary to be equivalent to that prescribed.

The pricing provisions of the order utilize a number of prices from various sources. It is possible that occasionally one of the specified prices may not be reported or published. To facilitate the functioning and administration of the order, it is necessary to provide that the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the unreported or unpublished price in the event of such an occurrence.

6. The present market-wide pool should be maintained.

The adoption of an individual-handler pool was proposed by one handler. For reasons undisclosed on the record, this handler purchases substantial quantities of other source milk for use in Class I even though receipts of locally produced milk are well in excess of the Class I requirements of the market. The few producers who supply milk to this handler might benefit temporarily from an individual-handler pool to the detriment of the remainder of the producers who supply the market. Adoption of an individual-handler pool would also tend to cause the disruption of the orderly marketing procedures. No producer appeared at the hearing in support of the proposal. Neither was it supported by any other handler in the market.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the North Texas marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

§ 943.9 [Amendment]

1. Delete the phrase, "and under the routine inspection of", in the first sentence thereof.

§ 943.45 [Amendment]

2. Amend the proviso in § 943.45 to read as follows: *"Provided,* That, if any of the water contained in the milk from which a product is made has been removed, or if milk solids in any form have been added to the product, before it is utilized or disposed of by the handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to all the nonfat milk solids contained in such product, plus all the water originally associated with such solids".

§ 943.51 [Amendment]

3a. Amend the introductory paragraph of § 943.51(a) to read as follows:

(a) *Class I milk.* The basic formula price for the preceding month (rounded to the nearest one-tenth cent) plus $1.85 for the months of March through June, and plus $2.25 for all other months subject to a supply-demand adjustment of not more than 50 cents computed as follows:

b. Delete the table contained in § 943.51(a)(2)(iii) and substitute therefor the following:

Month for which price applies	Months used in computation	Standard utilization percentages	
		Minimum	Maximum
January	October–November	106	112
February	November–December	107	113
March	December–January	109	115
April	January–February	109	115
May	February–March	113	119
June	March–April	120	126
July	April–May	126	132
August	May–June	123	129
September	June–July	119	125
October	July–August	113	119
November	August–September	106	112
December	September–October	105	111

c. Reissue § 943.51(a)(3) (ii) and (iii) to read as follows:

(ii) One cent for the lesser of:

(*a*) Each such percentage point of net deviation, or

(*b*) Each percentage point of net deviation of like direction (plus or minus, with any net deviation of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One cent for the least of:

(*a*) Each such percentage point of net deviation;

(*b*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(*c*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month;

4. Add as § 943.54 the following:

§ 943.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Issued at Washington, D.C., this 25th day of March 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60–2885; Filed, Mar. 29, 1960; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11759; FCC 60–279]

CALIFORNIA AND NEVADA

Table of Assignments; Television Broadcast Stations

In the matter of Amendment of § 3.606 *Table of assignments,* Television Broadcast Stations, (Fresno, Bakersfield, and Santa Barbara, California; Goldfield and Tonopah, Nevada); Docket No. 11759.

1. This proceeding was initiated by a Notice of Proposed Rule-Making released June 26, 1956 (FCC 56–600), in which the Commission requested comments on a proposal to deintermix the Fresno television market by the following channel reassignments (offsets were designated subsequently), which would make possible the operation of up to four commercial and one non-commercial television stations at Fresno on UHF channels:

City	Channel No.	
	Present	Proposed
Fresno, Calif.	12+, *18−, 24, 47, 53	*18−, 24, 30+, 47, 53
Madera, Calif.	30+	59
Santa Barbara, Calif.	3−, 20, 26	3−, 12+, 20, 26

2. On the basis of information then before it, which included comments and reply comments filed by interested parties, the Commission on March 1, 1957, released a Report and Order (FCC 57–185) announcing its determination that the public interest would be served by adopting the foregoing channel reassignments as a means of deintermixing the Fresno market. It was noted additionally that such action made possible the addition of a VHF channel assignment in Santa Barbara. Associated with the Report and Order was an Order directing the licensee of KFRE–TV operating on Channel 12 in Fresno, to show cause why its license should not be modified to specify operation on Channel 30 at Fresno. The Report and Order did not effectuate the proposed shift of Channel 12 from Fresno to Santa Barbara or the shift of Channel 30 from Madera to Fresno, but, at that stage, was confined to the substitution of Channel 59 for Channel 30 at Madera. Subsequently the Commission entertained a series of pleadings, including petitions for the reconsideration of its decision to make Fresno all UHF.

3. After long and careful deliberation and restudy of television allocations in the San Joaquin Valley it became apparent that there was available an alternative method deintermixing not only Fresno but, in addition, nearby Bakersfield. On July 17, 1959, being then persuaded on the basis of information before it that the alternative proposal—which involved the provision of sufficient channels to permit three commercial VHF stations and one potential noncommercial, educational station to operate at Fresno, and up to three commercial stations in Bakersfield to operate in the VHF band—was preferable to the UHF approach previously considered, the Commission released a Memorandum Opinion and Order, Notice of Further Proposed Rule-Making, and Orders to Show Cause (FCC 59–723) looking toward the following channel reassignments in Fresno and Bakersfield:

City	Channel No.	
	Present	Proposed
Bakersfield, Calif.	10−, 17, 29, 39+	8+, 10−, 12+, 17, 29, 39+
Fresno, Calif.	12+, *18−, 24, 47, 53	2−, 5−, *7+, 9−, 53
Salinas-Monterey, Calif.	8+, 35	8−, 35
Tonopah, Nev.	9−	
Goldfield, Nev.	5−	

4. The proposed channel offsets were assigned in a Supplemental Notice released August 4, 1959. In the document issued July 17, 1959, the Commission vacated the previous Report and Order of March 1, 1957, and the show cause order associated therewith; requested comments on the revised reallocation proposal; and directed to the operators of the three Fresno stations Orders to Show Cause why their authorizations should not be modified to specify operation on three of the new VHF channels proposed to be assigned to Fresno. The proposal additionally contemplated the provision of a VHF channel at Fresno reserved for non-commercial educational use.

5. At this stage the Commission has now had the benefit of numerous and detailed pleadings filed by interested parties, both with respect to its earlier proposal to place all commercial operations in Fresno in the UHF band, and its subsequent, alternative proposal to make possible all VHF service in both Fresno and Bakersfield. All the data and arguments submitted by the parties in both of these proceedings have been painstakingly studied in an effort to arrive at a final conclusion as to which approach would best serve the important objective of deintermixing television service in this part of the country. Although in July 1959, on the basis of information then before us, we were of the view that the VHF approach had advantages, we now, for the reasons discussed hereinafter, and on the basis of a total review of the advantages and disadvantages attaching to each approach, have come to the conclusion that, all things considered, UHF deintermixture is the preferable course.

6. Before reaching our decision, we have most carefully studied all the comments, reply comments, and other pleadings filed by the parties to the proceeding. The most detailed submissions were filed by McClatchy Newspapers, Inc., licensee of KMJ–TV, Channel 24, Fresno (McClatchy); O'Neill Broadcasting Company, permittee of KJEO, Channel 47, Fresno (O'Neill); Bakersfield Broadcasting Company, licensee of KBAK–TV, Channel 29, Bakersfield (BBC); Kern County Broadcasting Company, permittee of KLYD–TV, Channel 17, Bakersfield (Kern County); Triangle Publications, Inc., licensee of KFRE–TV, Channel 12, Fresno (Triangle); Marietta Broadcasting, Inc., licensee of KERO–TV, Channel 10, Bakersfield (Marietta). Additional pleadings filed by other interested persons have also been carefully considered.

7. We discuss first the fundamental question underlying both alternative ap-

proaches to deintermixture. That is, whether the public interest calls for reallocations to make possible either an all-UHF or an all-VHF service in the area concerned, or whether, as has been argued by some of the parties, it would be preferable to maintain the status quo.

8. On this point we find little basis for hesitation. Not only the familiar experience of UHF operation in competition with VHF service generally, but also the available facts concerning competitive disparities between UHF and VHF operations in Fresno and Bakersfield, in our judgment convincingly demonstrate that it would clearly serve the public interest to remove the competitive disparities now existing between local UHF and VHF operation, as a means of furthering the opportunity for the maintenance and development of television service in the San Joaquin Valley.

9. It is argued by parties to this proceeding that in the circumstances prevailing in the San Joaquin Valley it is not necessary that all local television outlets operate on the same band in order to achieve effective competition and render the optimum service to the cities and rural areas concerned. We have attentively examined the financial and statistical data submitted by the parties in support of this contention. Triangle contends that in Fresno the two UHF stations are operating on a comparable competitive footing with the VHF station, KFRE-TV, and in support has submitted statistical data purporting to show that in percentage of audience and in commercial spot announcements carried, the three stations are on a par.

10. The UHF operators respond with statements reflecting operating losses of their stations. We note that the most recent financial reports filed with the Commission (1958) by the Fresno stations show that the gross revenues of the VHF station was 60 percent higher than one of the competing UHF stations and 35 percent higher than the other. These results reflect, and are explainable in large measure by, the kinds of competitive advantages which, as experience everywhere has shown, attach to VHF operation in competition with UHF stations. The disparity occurs in Fresno notwithstanding the fact that engineering studies made by TASO and the Commission show that the area served by the present UHF stations are comparable with the coverage achieved by the VHF station on Channel 12, and notwithstanding the fact that the two UHF stations in Fresno serve as a prime outlet in the area for the programs of the NBC and ABC television networks.

11. It is true, as Marietta points out, that UHF stations continue to operate in a number of markets where there are one or more local VHF stations. In all but two of the 16 markets cited, there is one VHF station. While Marietta cites these circumstances in support of its contention that it is possible for UHF service to survive in a one-VHF station intermixed market, it does not follow that the public interest is best served by perpetuating the competitive disparities which exist in such markets. In every one of the 14 one-VHF station markets cited by Marietta, the Commission has been urged by UHF operators to consider the possibilities of deintermixture. Two of them—Bakersfield and Fresno—are the subject of this proceeding. Deintermixture proceedings are pending in Evansville and Montgomery. In two instances, additional VHF frequencies have been assigned to local or nearby communities (Tampa-St. Petersburg and Lake Charles). In one instance deintermixture was considered and, for reasons not controlling here, rejected in a rule making proceeding (Madison). In the remaining cases, the Commission has endeavored, although without success so far, to find suitable solutions. It is thus clear that the mere coexistence of UHF and VHF services in the markets cited by Marietta does not support the conclusion that the public interest would be served by perpetuating intermixture in the Fresno market.

12. We have also attentively considered all of the arguments offered in the record of this proceeding to the effect that local conditions in the San Joaquin Valley are such that the almost universal experience elsewhere relating to intermixture is not applicable there. Parties have cited the existence of topographical conditions favorable to the propagation of UHF signals in the area concerned which consists largely of a relatively level valley flanked by mountains on either side. Reference has been made additionally to the high degree of UHF receiver conversion which makes large audiences accessible to the UHF stations.

13. We recognize that the terrain in the San Joaquin Valley served by UHF stations is relatively even except in the high mountains flanking the Valley. A high percentage of the television homes in the metropolitan areas served by these stations are equipped to receive UHF signals. This demonstrates that UHF is technically feasible in this particular region and can provide a highly satisfactory broadcast service. However, the competitive disparity between UHF and VHF stations is not based essentially or solely on the technical service potential of one type of facility over the other. This is apparent in the San Joaquin Valley where the physical conditions of the area demonstratively lend themselves to UHF propagation. It is rooted in factors beyond the control of the broadcaster, and manifestly derives from all of the experience accrued with UHF operation throughout the United States for the past five years, which is too familiar and has been too repeatedly stated and analyzed to require or warrant still another detailed elaboration herein.

14. We need not labor this further. If there is one circumstance which has been established beyond doubt in the manifold experiences of UHF operators everywhere that they compete with VHF, it is that, for a complex of familiar reasons related to receiver conversion, advertiser support, program availabilities and other related factors, UHF operations, however serviceable to the public, are subjected to competitive adversities which impose seemingly inescapable and substantial burdens upon the chances for financially successful operation of a UHF service in competition with an available VHF service. While some circumstances present in the San Joaquin Valley—such as unusually favorable conditions for UHF signals propagation, and the relative absence of VHF over-shadowing from stations assigned to other cities—would indicate that the opportunities for successful UHF operation in competition with local VHF stations may be superior in this market as compared with others, the facts demonstrate that even under these favorable conditions UHF stations had been unable to operate on a basis comparable with the competing VHF service.

15. It is contended that the goal we seek—improved opportunities for operation of fully competitive facilities—somehow contravenes our mandate under section 307(b) of the Communication Act of 1934, as amended, which provides:

> In considering applications for licenses, and modifications and renewals thereof, when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio services to each of the same.

If there is a contradiction in the Act and our objectives herein, it eludes us. However much all-UHF or all-VHF commercial allocations in the San Joaquin Valley may inure to the private benefit of some of the broadcasters now competing there, that private gain, if it should result, would be incidental only. What we seek is the public benefit which flows from reducing competitive disparities to the extent possible by placing local commercial services in the same band, and thereby heightening opportunities for maintaining, increasing and improving the currently available and future television services. We are firmly of the view that such improvement is to be expected from placing all commercial service at Fresno in the UHF band. We find nothing in section 307(b) of the Act which derogates either from the propriety of our objective or the validity of our judgment that the public interest would be better served by the action taken herein than under the present system of intermixed commercial service at Fresno.

16. The primary purpose of seeking to reduce competitive disparities among stations in the same market—insofar as they derive from the use of the different frequency bands—is not, of course, to improve or otherwise adjust the commercial opportunities of station operators, but rather to enhance the opportunities for the development of television service capable of filling the needs and interests of members of the public resident throughout the areas concerned. It is this objective which, on the basis of everything that has been before us in this proceeding, we conclude can be better served making possible a shift to all-UHF commercial operations in Fresno than by the all-VHF plan envisaged in Further Notice of July 1959. Under the VHF plan embodied in that proposal, while it would be possible to assign sufficient channels for three VHF

stations in Fresno and Bakersfield, plus an additional noncommercial VHF station in Fresno, the expectable effect of that action—at least for the foreseeable future—would be to limit television outlets in the San Joaquin Valley to that number of stations. Its adoption, would, we believe, create almost insuperable obstacles for the possible development of additional stations not only at Fresno and Bakersfield, but also in numbers of smaller cities in the areas where UHF channels are assigned, such as Tulare, Delano, Hanford, Madera, Merced, Modesto, Porterville, and Visalia. Given the resources of the 70 available UHF channels not only is it possible to provide for additional stations both at Fresno and Bakersfield, but additionally, the set conversion which an all-UHF plan would encourage in outlying areas which do not now have UHF conversion equivalent to the high levels achieved in the center of the Fresno market, would help to overcome one of the most formidable barriers to the eventual establishment of additional local outlets in the smaller cities in the area. We note in this connection that on December 7, 1959, an application was filed for a construction permit for a new UHF television station at Tulare. The fact that the total spectrum availabilities for the establishment of UHF stations in the area are greater in the UHF band than in the VHF band, in our considered judgment, strongly underscores the preferability of the UHF approach to deintermixture of commercial television operations in the area.

17. Some parties who opposed the VHF plan announced in our Further Notice of July 1959 urged that, owing to the importance of the television markets in the San Joaquin Valley, the elimination—for the foreseeable future—of UHF service which could be expected to follow the assignment of the proposed new VHF channels would strongly and adversely affect the general outlook for the success of the UHF operations in other parts of the country. Our decision does not turn on this question and it is therefore unnecessary to discuss it in detail. We may perhaps usefully observe with regard to it that at this stage the Commission is endeavoring to make the best possible spectrum space available for the improvement and expansion of television service in the individual markets where such improvement may be sought with available spectrum sources both UHF and VHF. As announced elsewhere, we have under consideration a number of alternative long range nationwide possibilities, some of which embrace the use of UHF channels and others which do not. It is self-evident, however, that the action we take herein could in no sense prejudice the opportunities for future utilization of UHF channels on a wider national scale. Nor do we think that in any substantial sense could it frustrate or inhibit the eventual adoption or implementation of any of the other long range plans which do not envisage the use of UHF channels. Thus, as concerns the possible impact of our decision here on the ultimate evolution of major, long range, national television reallocations, it is our considered judgment that our decisions herein cannot deter, frustrate or significantly burden such ultimate reallocations as may in due course take place over a necessarily long transition period. It is now moreover clear, for reasons already discussed, that, pending the adoption and implementation of some major nationwide reallocations plan, the approach adopted herein will open up better opportunities for the expansion of television service in the area in question.

18. In comparing the advantages and disadvantages associated with the alternatives of UHF and VHF deintermixture of the Fresno market, and more particularly, in endeavoring to ascertain the present and ultimate service potential of each approach, we have closely considered a number of circumstances affecting the practicable possibilities for effective technical operation in the UHF and VHF bands.

19. In response to our VHF proposal of July 1959, a number of comments were directed to the difficulties and drawbacks associated with our VHF proposal. First, in order to comply with applicable minimum co-channel separations by the stations operating at Fresno, San Francisco and Los Angeles on Channels 2, 5, 7 and 9, it would be necessary to locate the Fresno transmitters on Patterson Mountain which is some 43 miles airline distance from Fresno, and over 60 miles by road. Suitable sites would be situated more than 8,000 feet above Fresno. Although it appears, despite some conflicting evidence, that an adequate access road exists, there is a serious question concerning the practicability of access during winter months.

20. Additional problems associated with the use of Patterson Mountain site involve decreased intensity of the signals which it would be possible to place over Fresno itself. Compared with the 95 dbu signal (56.2 mv/m) placed in Fresno by KFRE–TV operating from its present transmitter site at Meadow Lakes, the predicted field intensity provided by a transmitter operating on Patterson Mountain on Channel 9 (one of the proposed new VHF channels for Fresno) would be only 90 dbu (31.6 mv/m) reflecting 44 percent reduction in the present field strength. While this signal strength exceeds that required in § 3.685 of the present rules for a signal in the principal city to be served, it is relevant to note that under revised engineering standards now under consideration in Docket No. 13340, new Channels 2 and 5 stations on Patterson Mountain would fail to provide requisite principal city signal over Fresno. While this question cannot be settled conclusively until final decisions are reached in Docket 13340, it is nevertheless apparent that the use of Patterson Mountain site involves diminution of the field strength over Fresno to undesirably low levels.

21. Additional evidence before us in the proceeding indicates the possibility that in some communities located in the foothills of the mountains east from Fresno—such as Auberry and North Forks, signal transmission from Patterson Mountain will be blocked by intervening terrain, and that as a consequence, such communities would lose service under our VHF proposal. These arguments were adduced in support of the contention that the Commission should not remove Channel 12 service from its Meadow Lakes site from which service reaches Auberry and North Fork, or that in any event we should not impose the Patterson Mountain site on any of the newly assigned channels, but should sanction substandard separations so as to permit the use of sites nearer to Fresno, such as the one at Meadow Lakes. Nevertheless, it is noteworthy that the Meadow Lakes site, which is more favorable for service to such communities, is available to UHF stations as well. Moreover, translator stations which may be authorized under Part 4 of the Commission's rules could be used if needed to provide service to any shadow areas in the foothills.

22. As noted, difficulties associated with the Patterson Mountain site could, to some extent, be met by authorizing stations on the proposed new VHF channels at Fresno to operate at substandard separations. In Docket 13340 the Commission announced the basis on which it would be prepared to consider such spaced assignments. We do not, however, believe that solution would be desirable in this case for a number of reasons. Such action at Fresno would call for the suppression of the radiations of new stations in the direction of the co-channel stations at San Francisco thus curtailing the range of useful service these stations could render. While the degree of suppression to be required are not now finally established, it is evident that suppression on the order of that envisaged in the proposal under consideration in Docket 13340 would significantly foreshorten the range of service from new Fresno stations, operating at short separations. Use of the proposed VHF channels at Fresno, whether at standard or substandard spacings, would additionally foreshorten the range of service now provided by the San Francisco and Los Angeles stations. This result contrasts with the service potential from UHF stations in Fresno, which, unlike VHF stations operating there on channels 2, 5, 7 and 9, would not be limited by co-channel interference. Substantially greater interference-free service could be provided by UHF stations than by VHF stations operating on the proposed new channels either from Patterson Mountain or from Meadow Lakes. Owing, moreover, to the unavoidable assignment of Channels 8 and 10 proposed for Bakersfield in the VHF plan, which would be adjacent to the proposed Fresno Channels 7 and 9, the VHF plan would create adjacent channel interference in a substantial area between Fresno and Bakersfield. Our conclusion regarding the coverage of the UHF stations is substantiated by the measurements made by the Television Allocations Study Organization (TASO) and submitted in a Report to the Commission on March 16, 1959 entitled, Engineering Aspects of Television Allocations. See pages 18 through 20 of this Report for TASO conclusions re-

garding UHF transmission in the San Joaquin Valley.

23. Apart from the data available for comparing the coverage of existing UHF stations at Fresno with the potential coverage under any available variance of VHF proposals, it is relevant to note that those UHF stations are operated at powers substantially lower than those permitted under our Rules, and which have been demonstrated to be practicable in UHF operations elsewhere. Thus additional support for the preference we attach to the UHF proposal is found in the potential power increases which all-UHF service in the Fresno market may be expected to make more feasible economically.

24. We turn briefly to a number of alternative suggestions and counterproposals submitted in response to our Further Notice of July 1959.

25. Thomas B. Friedman proposes that Channel 12 be assigned to Lompoc-Santa Maria, California. He argues that there are approximately 150,000 persons residing in the area; the rate of expansion of the section is one of the highest in California and in the United States; there is no local television facility at Lompoc-Santa Maria and little satisfactory service from other sources; and a first service in Lompoc-Santa Maria should be preferred to affording Bakersfield three VHF facilities. Mr. Friedman's other reasons in support of his proposal have also been considered.

26. We are of the view that the Friedman proposal must be rejected. Lompoc had a 1950 population of 5,520 and Santa Maria a population of 10,440. The cities lie between San Luis Obispo to the north and Santa Barbara to the south. Service is rendered to the area by KSBY–TV, Channel 6, San Luis Obispo, and KEYT, Channel 3, Santa Barbara. The respective transmitters of the named television stations are approximately 30 and 40 miles from Santa Maria and signals from these stations are received in the area. Calculations indicate that a Grade B or better signal is available in the communities. For these reasons we believe that the alternative uses of Channel 12 discussed hereinafter would better serve the public interest.

27. The American Broadcasting Company proposes that the area be made all-V or all-U and that at least three equally competitive services be made available in both Fresno and Bakersfield in either band. While there is self-evident merit in the course urged by ABC, in view of the fact that Fresno and Bakersfield are adjoining markets in the San Joaquin Valley, with VHF service from Bakersfield extending into the service area of Fresno UHF stations, we find it appropriate and desirable to defer for separate consideration the particular problems associated with UHF deintermixture of the Bakersfield market. The Commission is prepared to give consideration to any proposal interested parties may wish to submit in this regard.

28. Marietta favors maintaining the status quo, that is, retaining UHF channels 17, 29, and 39 at Bakersfield, together with VHF Channel 10, and UHF Channels *18, 24, 47, and 53 at Fresno, together with VHF Channel 12. We believe, for reasons already stated, that it is desirable to place all commercial services in Fresno on UHF channels, and find no persuasive reasons in Marietta's comments for proceeding otherwise than the actions taken herein.

29. Percy Cox favors the assignment of Channels 2, 4, 5, and 7 to Fresno—Channel 4 to be assigned in lieu of Channel 9. Channel 4 could not be utilized at Fresno without derogating from minimum separations to Reno or San Francisco. On this point, we deem it preferable to avoid derogation of minimum separations where, as here, standard separations could be maintained. However, we further reject the plan on the ground that it is in conflict with all-UHF commercial service at Fresno, which for other reasons discussed herein, we consider superior to the VHF plan.

30. Kern County Broadcasting Company, permittee of KLYD–TV, Channel 17, Bakersfield, petitioned the Commission on October 2, 1958, requesting that Channel 39, assigned to Bakersfield, be reserved for educational use. In our Memorandum Opinion and Order of July 17, 1959 (FCC 59–723), we reserved judgment on this proposal. At the same time, we stated that any party, including Kern County, would be entitled to urge in these proceedings that a channel be reserved for educational purposes at Bakersfield.

31. In the meantime, on December 10, 1958, as reaffirmed in Docket No. 12762, July 29, 1959, the Commission issued a construction permit (BPCT–2492) to Pacific Broadcasters Corporation, Television Station KBFL, to operate on Channel 39 at Bakersfield, California. Kern County has not stressed its proposal further. A grant of Kern County's petition would be particularly inappropriate at this stage, not only in view of the outstanding authorization to Pacific, but also because it would unjustifiably complicate possible subsequent consideration of all-UHF commercial television in Bakersfield. Accordingly, we are denying the petition of Kern County to reserve Channel 39 for educational purposes.

32. Pacific Broadcasters Corporation, permittee of Television Station KBFL, Channel 39, Bakersfield, California proposes that Channel 10 be deleted from Bakersfield and the area made all-UHF, in the event the Commission is unsuccessful in assigning three VHF channels to that City. Our present proceeding has not led to the addition of any VHF channels to the Bakersfield assignments. Our reasons have been previously stated. Deintermixture of Bakersfield can be given separate consideration in other proceedings.

33. BBC has renewed its previous proposal for deletion of Channel 29 at Bakersfield and the modification of its outstanding authorization to specify operation on Channel 12. We disposed of this previous request in our Memorandum Opinion and Order of July 17, 1959 (FCC 59–723). BBC's request, which related to our proposal of July, 1959 to provide for three VHF commercial stations in Bakersfield conflicts with the action decided upon herein, and accordingly, is denied.

34. R. J. Devaurs opposes the assignment of Channel 8 to Bakersfield and suggests the assignment of Channels 11 or 13. This proposal was not possible under our VHF plan, as Channels 11 and 13 are adjacent to Channel 12, which was to be used at Bakersfield. Section 3.610 of our rules precludes the assignment of adjacent channels to the same city. The interference from stations operating on adjacent channels in the same city would destroy the usefulness of both stations. Since we do not now propose to use Channel 8 at Bakersfield, however, the Devaurs' opposition has been met.

35. Several organizations have commented favorably on the reservation of Channel 7 for educational use at Fresno. Uniformly, these organizations alternatively suggest that the present educational reservation (Channel 18) be retained, in the event the proposed amendment (reservation of Channel 7 for educational use) is not adopted. These organizations include Central California Educational Television; Fresno State College; Tulare City Teachers' Association; San Joaquin Valley Community Television Association; and others. Under the action taken herein, parties interested in the reservation of a VHF channel for educational use at Fresno will have an opportunity to submit their views in the further rule making instituted in the accompanying Notice.

36. William H. Hagerty of San Mateo proposes extensive channel reassignments in numerous California communities, which go far beyond the scope of this proceeding. Insofar as Mr. Hagerty proposes all-UHF commercial service at Fresno, our action herein conforms with his basic objective. In the steps taken herein we look toward all-UHF commercial service at Fresno. As already stated, similar action in Bakersfield can be considered in separate proceedings.

37. We next turn to a number of questions raised in comments submitted hereunder concerning the validity of the procedures followed in examining the question of whether the public interest would be served by adopting the channel reassignments which involve the shift of present operators to a new channel.

38. Triangle contends that the channel reassignments proposed in our Further Notice of July, 1959 cannot validly be considered or adopted in the instant rule making proceeding, and that they could be properly considered only in an adjudicatory hearing. In support of its contentions Triangle cites section 303(f) of the Communications Act, sections 4, 7, and 8 of the Administrative Procedure Act, court decisions and the due process clause of the United States Constitution. Although Triangle directed its arguments specifically to the VHF plan for the San Joaquin Valley on which we invited comments in July 1959 its basic contention relates to the procedures appropriate to its shift from Channel 12 which it now occupies to any other channel. Since the course we now envisage

looks toward discontinuance of Triangle's operations on Channel 12 and its continued operation on a UHF channel, we deem it appropriate to discuss Triangle's essential argument in relation to the current UHF plan for Fresno's commercial operations.

39. The essential question before us in this rule making proceeding is whether the public interest would best be served by removing the present necessity for the operation of competing television stations at Fresno and Bakersfield on both UHF and VHF channels. Resolution of this question calls for our evaluation and judgment of the numerous factors which affect the outlook for television service to the public residing in the San Joaquin Valley and the application to this area of the principles which, in our opinion, should govern television allocations in the interim until it may be possible to find more basic, long-range solutions to the problems created by the familiar UHF impasse.

40. The policy considerations involved and the pertinent revisions to the rules providing for television channel assignments are in our view clearly within the purview of the Commission's rule making powers. They are, moreover, much better suited to resolution through the quasi-legislative process of rule making than in an adjudicatory proceeding. There would appear to be no question of this where television channel reassignments do not involve shifts of existing station operations from one channel to another. The same would hold, we think, in any like case in which the licensee of all the stations which would be called upon to change channels consented to such changes.

41. Here, however, Triangle, acting within its clear rights, declined to consent to our former proposal that it shift from Channel 12 to Channel 9 and thus free Channel 12 for reassignment to Bakersfield. Although Triangle has not yet had an opportunity to declare or withhold its consent to its shift to a UHF channel, we deem it appropriate to comment on the essential question Triangle raises: that is, whether in view of its request for an adjudicatory hearing, the Commission may validly proceed to consider in this rule making proceeding the basic policy questions which must govern our decision as to whether the public interest would be served by deintermixing television services in the San Joaquin Valley.

42. Section 303(f) of the Act cited by Triangle in support of its contention directs that the Commission, from time to time, as the public interest, convenience or necessity may require:

(f) Make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of this Act: *Provided, however,* That changes in the frequencies, authorized power, or in the times of operation of any station, shall not be made without the consent of the station licensee unless, after a public hearing, the Commission shall determine that such changes will promote public convenience or interest or will serve public necessity, or the provisions of this Act will be more fully complied with;

We find nothing in this section or in the authorities cited by Triangle which precludes the conduct of the instant proceeding, which is being conducted under the general authority set out in the portion of the section before the proviso. We do not read the proviso, upon which Triangle relies, as precluding the conduct of a rule making proceeding such as this or as requiring that the policy issues such as are here involved be determined in the first instance in adjudication. Rather, we think it is the clear meaning of the proviso that no rule or rule amendment adopted pursuant to the general rule making power may be applied in the case of a station licensee so as to modify its license in respect of frequency, power or times of operation unless the licensee consents or, if it does not so consent, it is given an opportunity to establish, in an evidentiary hearing, that such change would not serve the public interest or enable the provisions of the Act to be more fully complied with.

43. In support of its contentions Triangle referred also to sections 4, 7, and 8 of the Administrative Procedure Act. Section 4(b) of that Act provides that: "Where rules are required by statute to be made on the record after opportunity for an agency hearing, the requirements of sections 7 and 8 (procedures for adjudicatory hearings) shall apply in place of the provisions of this subsection." In view of our conclusion that section 303 (f) of the Communications Act does not require that rule making in this case be conducted in an adjudicatory proceeding, and being unaware of any other provision of law which so requires, it follows that such requirement is not found in the portions of the Administrative Procedure Act upon which Triangle, in part, relies.

44. The action we take herein fully reserves to Triangle all its rights to an adjudicatory hearing on the question of whether it should be permitted to continue to operate on Channel 12 which it now occupies and on which KFRE–TV will be permitted to continue to operate until the conclusion of such adjudicatory proceedings. In these circumstances we find no basis for upholding Triangle's contention that this proceeding is defective or invalid.

45. Triangle, basing itself in part on the foregoing contentions that the instant proceeding is invalid, and in part on its other objections, previously discussed, as to the undesirability of adding VHF outlets in the San Joaquin Valley in the manner proposed herein, has requested that the Commission dismiss the instant proceeding. We reject that request, having found, for the reasons discussed in this Report and Order that the deintermixture contemplated herein would serve the public interest, and having concluded that the conduct of this rule making proceeding and the action taken herein are clearly within the rule making powers conferred on the Commission by the Communications Act and the Administrative Procedure Act.

46. The California State Electronics Association also requested dismissal of this rule making proceeding because of undue interference the Association claims will be caused to co-channel stations in San Francisco, Los Angeles, Sacramento, San Jose, Salinas, Bakersfield, and Taft, California; and that, in general, operation of the Fresno stations from Patterson Mountain sites would not be in the public interest. The objections of the Association do not arise under the action taken. The basis of its request is, therefore, no longer present; and we, accordingly, deny its request to dismiss this proceeding.

47. We issued Orders to O'Neill, McClatchy, and Triangle to Show Cause why their outstanding authorizations (construction permit in the case of O'Neill and license in the case of McClatchy and Triangle) should not be modified to specify operation on Channels 2, 5, and 9, respectively. O'Neill and McClatchy, in response to those orders, consented to the modifications proposed and submitted engineering specifications covering operation on the proposed new channels. Triangle in its response did not consent, but requested an evidentiary hearing.

48. Since we do not now plan to add Channels 2, 5, and 9 to Fresno, there is no longer any need to pursue the show cause proceedings against O'Neill and McClatchy further. The show cause order directed to Triangle specified operation on Channel 9, a course no longer proposed. We are vacating, therefore, the show cause orders directed to Triangle, McClatchy, and O'Neill. To the extent that this relief was requested by Triangle, its petition is granted, but for the different reasons applicable under the UHF plan contemplated herein.

49. On February 8, 1960, Triangle filed a Petition To Defer and Withhold Further Action in which it adverted to the pendency in Docket No. 13340, of questions relating to the possible adoption of new standards applicable in part to the assignment, in exceptional cases, of new VHF channels at substandard spacings. Arguing that evaluation of the desirability of permitting the new VHF channels proposed for Fresno to be used at substandard spacings would be premature before final decision is reached with respect to short-spaced assignments, Triangle urges deferment of any decision in this proceeding. Owing to the fact that our action herein looks toward all-UHF commercial service at Fresno, Triangle's argument, which related to the possible use of new VHF channels at Fresno, is no longer relevant.

50. McClatchy contends that Triangle has waived its right to object to modification of its license to specify operation on Channel 9. This claim is based on the fact that the Commission in its Notice of Further Proposed Rule Making of July 17, 1959, gave the parties until August 24, 1959, to file responses to the Show Cause Orders directed against them. A response to the Show Cause Order was not filed by Triangle on or before August 24, 1959. In the meantime, Triangle had requested an extension of time both for filing comments and for its response to the Show Cause Order. In a Memorandum Opinion and Order (FCC 59–868, released August 17, 1959), the Commission extended the time

for filing comments to September 23, 1959. It did not expressly extend the time for filing responses to the associated Show Cause Orders. McClatchy asserts that in these circumstances, Triangle, by failing to file its response to the Show Cause Order directed to it before August 24, 1959, waived its right to file such response.

51. The arguments of McClatchy are no longer pertinent in view of the action taken herein; but we note that this matter was treated by us in our Memorandum Opinion and Order in Docket No. 11759, released September 9, 1959 (FCC 59-906). We there held, on considering the same contention McClatchy has renewed here, that in the circumstances Triangle could properly file its response after the original deadline passed, but prior to the extended date for filing. McClatchy has advanced no new arguments, and we find no reason to depart from that ruling.

52. Bakersfield Broadcasting Company (KBAK-TV) renewed the request previously made in its pleading of May 12, 1958, for a show cause order specifying operation by it on Channel 12 instead of Channel 29. It argues that the cause of the two UHF permittees at Bakersfield are not in any respect equal to its own. Bakersfield Broadcasting Company contends that it is entitled to equal consideration and like treatment as that afforded the Fresno UHF stations.

53. This view was strenuously opposed by Kern County (KLYD-TV), one of the UHF permittees. Kern County argues that its rights with respect to the new VHF channels, including Channel 12, are equal to those of Bakersfield Broadcasting Company. It points out that the show cause procedure has been used in the past by the Commission as a convenient administrative device to modify a television permit or license absent objection of other parties in interest and where no other demands for the channel involved were evidenced.

54. In our July 17, 1959, Memorandum Opinion and Order, we rejected a request of Bakersfield Broadcasting Company for a show cause order looking toward modification of its license for KBAK-TV. We need not go further into this matter, however, in view of the action taken herein, which no longer looks toward the assignment of Channel 12 to Bakersfield.

55. Bakersfield Broadcasting Company asserts that Marietta lacks standing to file comments as a party to this proceeding, contending that Marietta's authorization to operate on Channel 10 at Fresno will not be affected. It is clear, however, that as the operator of a television station in a city in which it is proposed to add VHF channels, Marietta has an undoubted standing as an interested party to participate herein. We, therefore, reject Bakersfield Broadcasting Company's argument.

56. A number of the parties have filed comments not strictly in accord with the time limitations set forth in our Notices. These include the following: Comments of Board of Management, Porterville Branch of American Association of University Women, filed September 28, 1959; comments of J. H. Grossman, Edison Power House No. 4, filed September 28, 1959; Opposition to Proposed Amendments, filed by the California State Electronics Association on September 28, 1959; Reply of Bakersfield Broadcasting Company to Pleading of Triangle Publications, Inc., dated September 22, 1959, filed on October 9, 1959; and Comment of the Visalia Business and Professional Women's Club, filed October 6, 1959.

57. We observed that most of the pleadings were in the nature of letters and were received from parties inexperienced in Commission procedure or in the strictness of its Rules. In most instances, the filing was not significantly delayed. In the case of Bakersfield Broadcasting Company, the pleading was mailed from California and received on October 9, 1959, when October 8, 1959, was the last date for filing reply comments. This pleading is dated October 6, 1959.

58. We have carefully reviewed all of the pleadings which fall into the "late" category with a view to determining whether any of the parties would be prejudiced in any way by our acceptance and consideration of these submissions. We observe that the arguments made by the parties have been either totally or in substance made by others in the proceeding. We see no way in which any one would be prejudiced by our including these comments in our overall review of the case. In the absence of any objections, and none were received, we have considered these pleadings.

59. In this Report and Order we have discussed the circumstances and reasons which in our considered judgment are controlling with respect to a determination of the course best suited to serve the public interest in the matter of television channel assignments in the Fresno market, and we have treated in some detail the contentions of the parties which we find bear significantly on the issues. We have, in addition, given careful and thorough consideration to all other matters raised in the record of this proceeding, and find in them no persuasive reasons for altering the conclusions and decisions reached herein. We have, for the reasons discussed, determined that the public interest requires that steps be taken to improve the competitive position of the commercial stations operating at Fresno.

60. The judgments we have reached herein concerning the need to deintermix commercial television service in Fresno, and the preferability of looking toward an all-UHF commercial service in lieu of the alternative of an all-VHF service, call for further procedural steps in the implementation of that objective.

61. First, there is the matter of appropriate action with respect to Channel 12, now occupied by KFRE-TV. As already discussed at length, KFRE-TV has the right to be afforded an opportunity, if it wishes, to request an evidentiary hearing on any objections it may wish to raise to the shift of its operation from Channel 12 to another channel. The license previously issued to Triangle for operation on Channel 12 expired December 1, 1959. There is pending before us Triangle's application, timely filed, for renewal of that license on Channel 12. Since December 1, 1959, Triangle has continued to operate on Channel 12 pursuant to the interim authorization provided for in section 307(d) of the Communications Act.

62. In these circumstances, we conclude that Triangle's rights to request a hearing would be fully protected if we proceed by way of issuing to Triangle a renewal of its license authorizing it to operate on Channel 53, which was assigned to Fresno prior to the institution of this proceeding, and which remains available for use there. We do not, however, take such action herein, but will act separately on such license renewal in the light of the foregoing and any other matters, not related to this proceeding, which we may be called upon to consider in acting upon Triangle's renewal application.

63. In view of the foregoing, and pursuant to authority found in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, *It is ordered*, That the petitions of the California State Electronics Association and Triangle Publications, Inc., to dismiss the rule making proceedings herein are denied.

64. *It is further ordered*, That the petition of Triangle Publications, Inc., to vacate the Show Cause Orders issued on July 17, 1959, to McClatchy Newspapers and O'Neill Broadcasting Company and Triangle Publications, Inc., is granted, and That the Show Cause Orders are vacated.

65. *It is further ordered*, That the request of Bakersfield Broadcasting Company for a Show Cause Order looking toward the modification of its license to specify operation on Channel 12+ in lieu of Channel 29 is denied.

66. *It is further ordered*, That the petition for rule making of Kern County Broadcasting Company filed on October 2, 1958, is denied.

67. *It is further ordered*, That the Petition to Defer and Withhold Further Action, filed by Triangle Publications, Inc., on February 8, 1960, is denied.

68. *It is further ordered*, That all other proposals or requests for relief submitted herein which are inconsistent with the decisions reached and the actions taken in this proceeding, are denied.

Further notice of proposed rule making. 69. There remains the question of the appropriate disposition of Channel 12, now assigned to Fresno. If, upon the conclusion of the further steps and proceedings already discussed, KFRE-TV is shifted from Channel 12 to another channel, Channel 12 would become available for other possible use. The available alternatives include its reassignment elsewhere or its reservation for educational use at Fresno in lieu of the Channel *18, which in such event could be made available for commercial use at Fresno.

70. The first alternative possibility was explored in rule making conducted

in this proceeding with respect to the Notice of Rule Making issued on July 26, 1956. After reviewing comments, which included counterproposals for reassignment of Channel 12 to other cities, the Commission, as already noted, announced in a Report and Order adopted March 1, 1957, that the preferable course appeared to be the reassignment of Channel 12 from Fresno to Santa Barbara. Owing, however, to subsequent developments, which included the vacation of that Order, the denial of proposals inconsistent with the subsequently proposed reassignment of Channel 12 to Bakersfield, and the consideration we have now given to the possible advantages of reserving Channel 12 for educational use at Fresno, we deem it desirable at this stage to invite comments and reply comments on the relative merits, the alternative course already mentioned.

71. Additionally, in view of the series of developments which have taken place since we originally determined that the public interest would be served by reassigning Channel 30 from Madera to Fresno and by replacing it at Madera with Channel 59, we deem it appropriate to afford all interested parties a fresh opportunity to comment on our current proposal to make those channel reassignments.

72. Accordingly, and pursuant to the authority found in sections 4 (i) and (j), 303 and 307(b) of the Communications Act of 1934, as amended, Notice is hereby given of rule making on our proposal to amend Section 3.606, Table of Assignments, Television Broadcast Stations, in the following respects:

A. In the alternative:

(1) Reserve Channel 12 for noncommercial educational use at Fresno and at the same time make Channel 18 available for commercial use at Fresno;

or

(2) Reassign Channel 12 from Fresno to Santa Barbara, and

B. Substitute Channel 59 for Channel 30+ at Madera, California, and reassign Channel 30+ from Madera to Fresno.

73. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties may file comments on or before May 2, 1960, and reply comments on or before May 16, 1960.

74. In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, responses, or comments shall be filed with the Commission.

Adopted: March 24, 1960.

Released: March 25, 1960.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 60-2894; Filed, Mar. 29, 1960; 8:52 a.m.]

[1] Dissenting statement of Commissioner Cross filed as part of the original document.

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 523]

[No. 13,308]

MEMBERS OF BANKS

Proposed Amendment Relating to Holdings of Cash and Obligations of the United States

MARCH 24, 1960.

Resolved that pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508), it is hereby proposed that § 523.12 of the regulations for the Federal Home Loan Bank System (12 CFR 523.12) be amended by an amendment the substance of which is as follows:

So much of § 523.12 aforesaid as precedes paragraph lettered (a) of said section is hereby amended to read as follows:

§ 523.12 Holdings of cash and obligations of the United States by members.

No member insurance company shall make or purchase any loan, other than loans on the company's insurance policies, at any time when the aggregate of its cash and obligations of the United States is not at least equal to 6 percent of its policy reserve required by state law, and no other member shall make or purchase any loan, other than advances on the sole security of its withdrawable accounts, at any time when its cash and obligations of the United States are not at least equal to 6 percent of the obligation of the member on withdrawable accounts: *Provided,* That on and after March 1, 1961, the foregoing figures of 6 percent shall be 7 percent. For the purposes of this section:

(Secs. 5A, 17, 47 Stat. 727, 736, as amended; 12 U.S.C. 1425a, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mails or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D.C., not later than May 2, 1960, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 60-2896; Filed, Mar. 29, 1960; 8:52 a.m.]

[12 CFR Part 545]

[No. 13,309]

OPERATIONS

Proposed Amendment Relating to Holdings of Cash and Obligations of the United States

MARCH 24, 1960.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and Regulations for the Federal Savings and Loan System (12 CFR 542.1), it is hereby proposed that § 545.8-2 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.8-2) be amended by an amendment the substance of which is as follows:

So much of § 545.8-2 aforesaid as precedes paragraph lettered (a) of said section is hereby amended to read as follows:

§ 545.8-2 Cash and Government obligations.

A Federal association shall not make or purchase any loan, other than advances on the sole security of its savings accounts, at any time when its cash and obligations of the United States are not at least equal to 6 percent of the association's capital: *Provided,* That on and after March 1, 1961, the foregoing figure of 6 percent shall be 7 percent. For the purposes of this section:

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mails or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D.C., not later than May 2, 1960, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 60-2897; Filed, Mar. 29, 1960; 8:52 a.m.]

Notices

DEPARTMENT OF JUSTICE

Office of Alien Property

HARUKO TSUKAMOTO MURANAKA

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provisions for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Haruko Tsukamoto Muranaka, a/k/a Gladys Haruko Muranaka, Oshima-gun, Yamaguchi-ken, Japan. Claim No. 63656. $440.24 in the Treasury of the United States. Vesting Order No. 6791.

Executed at Washington, D.C. on March 24, 1960.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 60-2871; Filed, Mar. 29, 1960; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 95]

NEVADA

Small Tract Classification; Amendment

1. Effective March 17, 1960, Federal Register Document 53-8583 appearing on pages 6412-14 of the issue for October 8, 1953, is revoked as to the following described public lands:

MOUNT DIABLO MERIDIAN

T. 21 S., R. 60 E.,
Sec. 24, N½SW¼.

Containing 80 acres.

2. The lands included in this restoration are located approximately 5 miles southwest of Las Vegas, Nevada. The elevation is approximately 2300 feet above sea level. The climate is dry. The area receives from 5 to 7 inches of rainfall annually. The topography has been torn up due to the removal and processing of sand and gravel. The parcel is cut by a large dry wash which covers the south-half of the area. Soils vary from sands to gravel.

3. The subject lands have been determined to be unsuitable for small tracts, for the lands have been sufficiently torn up by sand and gravel operations to render the topography unsuitable for this type of development.

JAMES E. KEOGH, Jr.,
Acting State Supervisor.

MARCH 17, 1960.

[F.R. Doc. 60-2860; Filed, Mar. 29, 1960; 8:48 a.m.]

[Classification No. 95]

NEVADA

Small Tract Classification; Amendment

1. Effective March 21, 1960, Federal Register Document 53-8583 appearing on pages 6413-14 of the issue for October 18, 1953, is revoked as to the following described public lands:

MOUNT DIABLO MERIDIAN

T. 22 S., R. 61 E.,
Sec. 17, N½NW¼.

Containing 80 acres.

2. The lands included in this restoration are located about eight miles south of Las Vegas, Nevada at an elevation of approximately 2,400 feet above sea level. The climate is dry. The area receives from 5 to 7 inches of rainfall annually. The topography is nearly level, with soils varying from sands to gravel to caliche.

3. The land has been determined to be appropriated under the United States mining laws by virtue of valid mining claims having been located on the land prior to Small Tract Classification.

W. REED ROBERTS,
Acting State Supervisor.

MARCH 22, 1960.

[F.R. Doc. 60-2861; Filed, Mar. 29, 1960; 8:48 a.m.]

ARKANSAS

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 24, 1960.

The office of the Department of the Army, Corps of Engineers, Washington 25, D.C. through its Little Rock, Arkansas office, has filed an application for the withdrawal of the lands hereafter described, from all forms of appropriation, entry or sale under public land laws, including the mining and mineral leasing laws, subject to valid existing rights.

The applicant desires the land for use in connection with the construction, operation and maintenance of the Greers Ferry Dam and Reservoir Project.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Washington 25, D.C.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land involved in the application is:

5TH P.M. ARKANSAS

T. 11 N., R. 9 W.
Sec. 29, SW¼NW¼, containing 40 acres.
T. 11 N., R. 10 W.
Sec. 6, E½N½SW¼, N½N½W½N½SW¼, containing 35.19 acres;
Sec. 28, NE¼NW¼, containing 40 acres.
T. 11 N., R. 11 W.
Sec. 11, NE¼SE¼NE¼, E½NW¼SE¼NE¼, N½SE¼SE¼NE¼, NE¼SW¼SE¼NE¼, containing 22.50 acres.
T. 11 N., R. 12 W.
Sec. 1, E½NW¼NE¼, containing 20 acres;
Sec. 23, Fr'l. NE¼NE¼ (east of the river) containing 0.22 acre.

The area above-described, located in Cleburne County, containing in the aggregate 157.91 acres.

H. K. SCHOLL,
Manager.

[F.R. Doc. 60-2862; Filed, Mar. 29, 1960; 8:48 a.m.]

[Notice No. 4]

ALASKA

Notice of Filing of Alaska Protraction Diagrams; Fairbanks Land District

MARCH 22, 1960.

Notice is hereby given that the following protraction diagrams have been officially filed of record in the Fairbanks Land Office, 516 Second Avenue, Fairbanks, Alaska. In accordance with 43 CFR 192.42a(c) (24 F.R. 4140, May 22, 1959), oil and gas offers to lease lands shown in these protracted surveys, filed 30 days after publication of this notice, must describe the lands only according to the Section, Township, and Range shown on the approved protracted surveys. The protraction diagrams are also applicable for all other authorized uses.

ALASKA PROTRACTION DIAGRAMS,
(UNSURVEYED).

SEWARD MERIDIAN—FOLIO NO. 20

Sheet No.:
1. Ts. 1 through 4 S. Rs. 65 through 68 W.
2. Ts. 1 through 4 S. Rs. 69 through 72 W.
3. Ts. 1 through 4 S. Rs. 73 through 76 W.
4. Ts. 1 through 4 S. Rs. 77 through 80 W.
5. Ts. 1 through 4 S. Rs. 81 through 84 W.
6. Ts. 1 through 4 S. Rs. 85 through 92 W.

Sheet No.:
7. Ts. 1 through 4 S. Rs. 93 through 96 W.
8. Ts. 1 through 4 S. Rs. 97 through 100 W.
9. Ts. 1 through 4 S. Rs. 101 through 105 W.
10. Ts. 5 through 8 S. Rs. 73 through 76 W.
11. Ts. 5 through 8 S. Rs. 69 through 72 W.
12. Ts. 5 through 8 S. Rs. 65 through 68 W.
13. Ts. 9 through 12 S. Rs. 65 through 68 W.
14. Ts. 9 through 12 S. Rs. 69 through 72 W.
15. Ts. 9 through 12 S. Rs. 73 through 76 W.

16. Ts. 13 through 16 S. Rs. 73 through 76 W.
17. Ts. 13 through 16 S. Rs. 69 through 72 W.
18. Ts. 13 through 16 S. Rs. 65 through 68 W.

Cover Sheet Showing Location Map and Index

FAIRBANKS MERIDIAN—FOLIO NO. 1

Sheet No.:
13. Ts. 25 through 28 N. Rs. 17 through 20 E.
14. Ts. 25 through 28 N. Rs. 21 through 24 E.
15. Ts. 25 through 28 N. Rs. 25 through 28 E.
16. Ts. 25 through 28 N. Rs. 29 through 31 E.
17. Ts. 21 through 24 N. Rs. 29 through 31 E.
18. Ts. 21 through 24 N. Rs. 25 through 28 E.
19. Ts. 21 through 24 N. Rs. 21 through 24 E.
20. Ts. 21 through 24 N. Rs. 17 through 20 E.
21. Ts. 17 through 20 N. Rs. 17 through 20 E.
22. Ts. 17 through 20 N. Rs. 21 through 24 E.
23 Ts. 17 through 20 N. Rs. 25 through 28 E.
24. Ts. 17 through 20 N. Rs. 29 through 31 E.

Cover Sheet Showing Location Map and Index.

FAIRBANKS MERIDIAN—FOLIO NO. 7

Sheet No:
1. Ts. 13 through 16 N. Rs. 13 through 16 E.
2. Ts. 13 through 16 N. Rs. 9 through 12 E.
3. Ts. 13 through 16 N. Rs. 5 through 8 E.
14. Ts. 1 through 4 N. Rs. 5 through 8 E.

Cover Sheet Showing Location Map and Index.

FAIRBANKS MERIDIAN—FOLIO NO. 11

Sheet No:
1. Ts. 1 through 4 S. Rs. 17 through 20 W.
2. Ts. 1 through 4 S. Rs. 21 through 24 W.
3. Ts. 1 through 4 S. Rs. 25 through 27 W.
4. Ts. 5 through 8 S. Rs. 25 through 27 W.
5. Ts. 5 through 8 S. Rs. 21 through 24 W.
6. Ts. 5 through 8 S. Rs. 17 through 20 W.
7. Ts. 9 through 12 S. Rs. 17 through 20 W.
8. Ts. 9 through 12 S. Rs. 21 through 24 W.
9. Ts. 9 through 12 S. Rs. 25 through 28 W.
10. Ts. 13 through 16 S. Rs. 25 through 28 W.
11. Ts. 13 through 16 S. Rs. 21 through 24 W.
12. Ts. 13 through 16 S. Rs. 17 through 20 W.
13. Ts. 17 through 20 S. Rs. 17 through 20 W.
14. Ts. 17 through 20 S. Rs. 21 through 24 W.
15. Ts. 17 through 20 S. Rs. 25 through 28 W.
16. Ts. 21 through 22 S. Rs. 25 through 28 W.
17. Ts. 21 through 22 S. Rs. 21 through 24 W.
18. Ts. 21 through 22 S. Rs. 17 through 20 W.

Cover Sheet Showing Location Map and Index.

KATEEL RIVER MERIDIAN—FOLIO NO. 11

Sheet No:
1. Ts. 1 through 4 S. Rs. 13 through 16 E.
2. Ts. 1 through 4 S. Rs. 9 through 12 E.
3. Ts. 1 through 4 S. Rs. 5 through 8 E.
4. Ts. 1 through 4 S. Rs. 1 through 4 E.
5. Ts. 5 through 8 S. Rs. 1 through 4 E.
6. Ts. 5 through 8 S. Rs. 5 through 8 E.
7. Ts. 5 through 8 S. Rs. 9 through 12 E.
8. Ts. 5 through 8 S. Rs. 13 through 16 E.
9. Ts. 9 through 12 S. Rs. 13 through 16 E.
10. Ts. 9 through 12 S. Rs. 9 through 12 E.
11. Ts. 9 through 12 S. Rs. 5 through 8 E.
12. Ts. 9 through 12 S. Rs. 1 through 4 E.
13. Ts. 13 through 16 S. Rs. 1 through 4 E.
14. Ts. 13 through 16 S. Rs. 5 through 8 E.
15. Ts. 13 through 16 S. Rs. 9 through 12 E.
16. Ts. 13 through 16 S. Rs. 13 through 16 E.

Cover Sheet Showing Location Map and Index.

Copies of these diagrams are for sale at one dollar ($1.00) per sheet and may be obtained from the Fairbanks Land Office, Bureau of Land Management, mailing address: 516 Second Avenue, Fairbanks, Alaska.

DANIEL A. JONES,
Manager.

[F.R. Doc. 60-2863; Filed, Mar. 29, 1960; 8:48 a.m.]

[Group No. 442, California]

CALIFORNIA

Notice of Filing of Plat of Survey and Order Providing for the Opening of Public Lands

1. Plat of survey of the lands described below will be officially filed in the Land Office, Los Angeles, California, effective at 10:00 a.m. on March 28, 1960.

SAN BERNARDINO MERIDIAN

T. 2 N., R. 5 E.,
Sec. 16, all;
Sec. 21, all;
Sec. 28, all;
Sec. 33, all.

An extension survey and a retracement and reestablishment of a portion of the south boundary and a portion of the subdivisional lines designed to restore the corners in their true original location according to the best available evidence.

The area described totals 2,560 acres of public land.

2. Except for and subject to valid existing rights, it is presumed that title to the following lands passed to the State of California upon the acceptance of the plat dated June 24, 1959:

SAN BERNARDINO MERIDIAN

T. 2 N., R. 5 E.,
Sec. 16.

The area described totals 640 acres. Plat of survey accepted June 24, 1959.

3. The following-described lands are classified by classification No. 563 dated May 15, 1957 as suitable for disposition under the Small Tract Act of June 1, 1938. Such classification segregates the land from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

The lands shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609: 43 U.S.C. 662a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid.

SAN BERNARDINO MERIDIAN

T. 2 N., R. 5 E.,
Sec. 21, all;
Sec. 28, all.

The area described totals 1,280 acres.

4. The following-described lands are opened to application, location, selection, and petition as outlined in paragraph 5, below. No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified:

SAN BERNARDINO MERIDIAN

T. 2 N., R. 5 E.,
Sec. 33, all.

The area described totals 640 acres.

The area is generally rough and mountainous. A predominance of Black Lava Butte, several hundred feet in height determine the general aspect. Some comparatively level and less rough and rocky terrain may be found in the center on the eastern boundary of the area. Most of the area is inaccessible except by Jeep or on foot.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 4 hereof, are hereby opened to filing applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws presented prior to 10:00 a.m. on May 3, 1960, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a.m. on May 3, 1960.

Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements

in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Inquiries concerning these lands should be addressed to the Manager, Land Office, Bureau of Land Management, 215 West Seventh Street, Los Angeles 14, California.

MALCOLM O. ALLEN,
Manager,
Land Office, Los Angeles.

[F.R. Doc. 60-2864; Filed, Mar. 29, 1960; 8:48 a.m.]

FEDERAL HOUSING ADMINISTRATION

2½ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES L

Notice of Call for Partial Redemption, Before Maturity

MARCH 24, 1960.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent Title I Housing Insurance Fund Debentures, Series L, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1960, on which date interest on such debentures shall cease:

2½ PERCENT TITLE HOUSING INSURANCE FUND DEBENTURES, SERIES L

Denomination:	*Serial numbers* [1]
$50	160 to 166
$100	254 to 295
$500	117 to 126
$1,000	478 to 504
$5,000	58 to 67

[1] All numbers inclusive.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1960. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1960, and provision will be made for the payment of final interest due on July 1, 1960, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1960, to June 30, 1960, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1960, or for purchase prior to that date will be given by the Secretary of the Treasury.

C. B. SWEET,
Acting Commissioner.

Approved: March 25, 1960.

JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 60-2876; Filed, Mar. 29, 1960; 8:51 a.m.]

2¾ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES R

Notice of Call for Partial Redemption, Before Maturity

MARCH 24, 1960.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Title I Housing Insurance Fund Debentures, Series R, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1960, on which date interest on such debentures shall cease:

2¾ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES R

Denomination:	*Serial numbers* [1]
$50	234 to 293
$100	413 to 654
$500	119 to 171
$1,000	107 to 160
$5,000	131 to 192

[1] All numbers inclusive.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1960. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1960, and provision will be made for the payment of final interest due on July 1, 1960, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1960, to June 30, 1960, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1960, or for purchase prior to that date will be given by the Secretary of the Treasury.

C. B. SWEET,
Acting Commissioner.

Approved: March 25, 1960.

JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 60-2877; Filed, Mar. 29, 1960; 8:51 a.m.]

3 PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES T

Notice of Call for Partial Redemption, Before Maturity

MARCH 24, 1960.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 3 percent Title I Housing Insurance Fund Debentures, Series T, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1960, on which date interest on such debentures shall cease:

3 PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES T

Denomination:	*Serial numbers* [1]
$50	219 to 286
$100	824 to 1070
$500	346 to 401
$1,000	378 to 524
$5,000	252 to 294

[1] All numbers inclusive.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1960. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1960, and provision will be made for the payment of final interest due on July 1, 1960, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1960, to June 30, 1960, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1960, or for purchase prior to that date will be given by the Secretary of the Treasury.

C. B. SWEET,
Acting Commissioner.

Approved: March 25, 1960.

JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 60-2878; Filed, Mar. 29, 1960; 8:51 a.m.]

2½, 2⅝, 2¾, 2⅞, 3, 3⅛, 3¼, 3⅜, 3½ AND 3¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES AA

Notice of Call for Partial Redemption, Before Maturity

MARCH 24, 1960.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as

amended, public notice is hereby given that 2½, 2⅝, 2¾, 2⅞, 3, 3⅛, 3¼, 3⅜, 3½ and 3¾ percent Mutual Mortgage Insurance Fund Debentures, Series AA, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1960, on which date interest on such debentures shall cease:

2½, 2⅝, 2¾, 2⅞, 3, 3⅛, 3¼, 3⅜, 3½ AND 3¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES AA

Denomination:	Serial numbers [1]
$50	1,670 to 3,883
$100	6,070 to 11,368
$500	1,745 to 3,033
$1,000	4,375 to 7,844
$5,000	1,919 to 3,062
$10,000	1,503 to 2,273

[1] All numbers inclusive.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1960. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1960, and provision will be made for the payment of final interest due on July 1, 1960, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1960, to June 30, 1960, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1960, or for purchase prior to that date will be given by the Secretary of the Treasury.

C. B. SWEET,
Acting Commissioner.

Approved: March 25, 1960.

JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 60-2879; Filed, Mar. 29, 1960; 8:51 a.m.]

2½, 2⅝, 2¾ AND 3 PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES BB

Notice of Call for Partial Redemption, Before Maturity

MARCH 24, 1960.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½, 2⅝, 2¾ and 3 percent Housing Insurance Fund Debentures, Series BB, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1960, on which date interest on such debentures shall cease:

2½, 2⅝, 2¾, AND 3 PERCENT HOUSING INSURANCE FUND DEBENTURES, SERIES BB

Denomination:	Serial numbers [1]
$50	20 to 104
$100	92 to 452
$500	51 to 165
$1,000	130 to 431
$5,000	38 to 188
$10,000	814 to 1,585

[1] All numbers inclusive.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1960. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1960, and provision will be made for the payment of final interest due on July 1, 1960, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1960, to June 30, 1960, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1960, or for purchase prior to that date will be given by the Secretary of the Treasury.

C. B. SWEET,
Acting Commissioner.

Approved: March 25, 1960.

JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 60-2880; Filed, Mar. 29, 1960; 8:51 a.m.]

3½, 3⅜ AND 3¾ PERCENT SECTION 221 HOUSING INSURANCE FUND DEBENTURES, SERIES DD

Notice of Call for Partial Redemption, Before Maturity

MARCH 24, 1960.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 3½, 3⅜ and 3¾ percent Section 221 Housing Insurance Fund Debentures, Series DD, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1960, on which date interest on such debentures shall cease:

3½, 3⅜, AND 3¾ PERCENT SECTION 221 HOUSING INSURANCE FUND DEBENTURES, SERIES DD

Denomination:	Serial numbers [1]
$50	17 to 26
$100	13 to 65
$500	4 to 19
$1,000	14 to 93
$5,000	6 to 31

[1] All numbers inclusive.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1960. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1960, and provision will be made for the payment of final interest due on July 1, 1960, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1960, to June 30, 1960, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1960, or for purchase prior to that date will be given by the Secretary of the Treasury.

C. B. SWEET,
Acting Commissioner.

Approved: March 25, 1960.

JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 60-2881; Filed, Mar. 29, 1960; 8:51 a.m.]

2⅞, 3, 3⅛, 3¼, 3⅜ AND 3½ PERCENT SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES, SERIES EE

Notice of Call for Partial Redemption, Before Maturity

MARCH 24, 1960.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2⅞, 3, 3⅛, 3¼, 3⅜ and 3½ percent Servicemen's Mortgage Insurance Fund Debentures, Series EE, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1960, on which date interest on such debentures shall cease:

2⅞, 3, 3⅛, 3¼, 3⅜, AND 3½ PERCENT SERVICEMEN'S MORTGAGE INSURANCE FUND DEBENTURES, SERIES EE

Denomination:	Serial numbers [1]
$50	10 to 27
$100	54 to 214
$500	11 to 23
$1,000	46 to 101
$5,000	7 to 15
$10,000	14 to 36

[1] All numbers inclusive.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the

foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1960. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1960, and provision will be made for the payment of final interest due on July 1, 1960, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1960, to June 30, 1960, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1960, or for purchase prior to that date will be given by the Secretary of the Treasury.

C. B. SWEET,
Acting Commissioner.

Approved: March 25, 1960.

JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 60-2882; Filed, Mar. 29, 1960; 8:51 a.m.]

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Notice of Call for Partial Redemption, Before Maturity

MARCH 24, 1960.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent War Housing Insurance Fund Debentures, Series H, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1960, on which date interest on such debentures shall cease:

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Denomination:	*Serial numbers*[1]
$50	4,308 to 4,497
$100	13,810 to 15,469
$500	3,465 to 3,629 and 3,631 to 3,912
$1,000	15,876 to 18,810
$5,000	3,814 to 4,322
$10,000	37,953 to 41,023

[1] All numbers inclusive.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1960. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1960, and provision will be made for the payment of final interest due on July 1, 1960, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1960, to June 30, 1960, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1960, or for purchase prior to that date will be given by the Secretary of the Treasury.

C. B. SWEET,
Acting Commissioner.

Approved: March 25, 1960.

JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 60-2883; Filed, Mar. 29, 1960; 8:51 a.m.]

2½ AND 2¾ PERCENT ARMED SERVICES HOUSING MORTGAGE INSURANCE FUND DEBENTURES, SERIES FF

Notice of Call for Partial Redemption, Before Maturity

MARCH 24, 1960.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ and 2¾ percent Armed Services Housing Mortgage Insurance Fund Debentures, Series FF, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1960, on which date interest on such debentures shall cease:

2½ AND 2¾ PERCENT ARMED SERVICES HOUSING MORTGAGE INSURANCE FUND DEBENTURES, SERIES FF

Denomination:	*Serial numbers*[1]
$10,000	1,168 to 1,368

[1] All numbers inclusive.

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1960. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1960, and provision will be made for the payment of final interest due on July 1, 1960, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1960, to June 30, 1960, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1960, or for purchase prior to that date will be given by the Secretary of the Treasury.

C. B. SWEET,
Acting Commissioner.

Approved: March 25, 1960.

JULIAN B. BAIRD,
Acting Secretary of the Treasury.

[F.R. Doc. 60-2884; Filed, Mar. 29, 1960; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13381, 13439; FCC 60M-546]

AMERICAN TELEPHONE AND TELEGRAPH CO. ET AL.

Order Continuing Hearing

In the matter of American Telephone and Telegraph Company, Docket No. 13381, Regulations and charges for components of a distinctive tone and circuit assurance arrangement; American Telephone and Telegraph Company, et al., Docket No. 13439, Regulations and charges for certain equipment on an 82-B-1 type relay system for use in connection with private line teletypewriter service.

It is ordered, This 24th day of March 1960, that pursuant to agreement of parties arrived at during the prehearing conference held on this date, the hearing in the above-entitled proceeding now scheduled for March 28, 1960, be and it is hereby continued to a date to be fixed at the further session of the prehearing conference which is to be held on April 20, 1960.

Released: March 25, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-2890; Filed, Mar. 29, 1960; 8:51 a.m.]

[Docket Nos. 13422, 13428; FCC 60M-547]

PLAINS RADIO BROADCASTING CO. AND JACOB WILSON HENOCK

Order Scheduling Prehearing Conference

In re applications of Plains Radio Broadcasting Company, Detroit, Michigan, Docket No. 13422, File No. BPH-2824; Jacob Wilson Henock, Detroit, Michigan, Docket No. 13428, File No. BPH-2893; for construction permits (FM).

On the Hearing Examiner's own motion: *It is ordered,* This 24th day of March 1960, pursuant to the provisions of § 1.111 of the Commission's rules that the parties or their counsel in the above-entitled proceeding are directed to appear for a prehearing conference at the offices of the Commission, Washington, D.C., at 10:00 a.m. on April 14, 1960.

In order to conserve time counsel are requested to confer a day or two beforehand with a view to reaching advance

agreement upon such routine details as the manner of presentation, dates for exchange of exhibits and such other dates as may be deemed necessary. In view of the design of the prehearing conference procedure to encourage the formulation of agreements by the parties looking towards the elimination of unessentials, so that hearing may proceed with proper dispatch, it is requested that the parties or their counsel attend this conference prepared fully to discuss—and to agree upon—such matters as will conduce materially to the attainment of this objective.

Released: March 25, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-2891; Filed, Mar. 29, 1960; 8:52 a.m.]

[Docket No. 13355; FCC 60M-542]

JOHN A. AND EDWIN R. SAARINEN

Order Continuing Hearing

In the matter of John A. and Edwin R. Saarinen, 5104 Harbor Drive, San Diego 6, California, Docket No. 13355; order to show cause why there should not be revoked the license for radio station WA 5478, Aboard the vessel "Hermes II".

The Hearing Examiner having under consideration a "Motion To Continue Proceeding" filed on March 14, 1960, by the Chief, Safety and Special Radio Services Bureau, requesting that the hearing in the above-entitled proceeding be continued from March 30, 1960 to April 29, 1960; and

It appearing that the respondents did not receive the Order to Show Cause issued in this matter until March 2, 1960, and that, therefore, adherence to the previously scheduled date would deprive them of the full thirty days provided by § 1.62 of the Rules for filing a reply herein;[1] and

It further appearing that the subject motion has been on file for a period of seven (7) days (exclusive of the day of mailing and intermediate Saturdays and Sundays), and that no opposition thereto has been filed on behalf of the respondents; and

It further appearing that good cause has been shown for granting the requested continuance;

Accordingly, it is ordered, This 24th day of March 1960, that the above-described motion for a continuance is granted, and the hearing in this proceeding heretofore scheduled for March 30, 1960, is continued to April 29, 1960, at 10:00 a.m., in the offices of the Commission, Washington, D.C.

Released: March 24, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-2892; Filed, Mar. 29, 1960; 8:52 a.m.]

[1] Respondents have filed no reply in this proceeding to date.

[Docket Nos. 12457, 13434; FCC 60M-544]

CLARENCE E. WILSON AND MORTON BROADCASTING CO.

Notice of Prehearing Conference

In re applications of Clarence E. Wilson, Hobbs, New Mexico, Docket No. 12457, File No. BP-11817; Mike Allen Barrett, tr/as Morton Broadcasting Company, Morton, Texas, Docket No. 13434, File No. BP-13393; for construction permits.

There will be a prehearing conference, under Rule 1.111, on Friday, April 22, 1960, at 10 a.m., in the offices of the Commission, Washington, D.C.

Dated: March 24, 1960.

Released: March 25, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-2893; Filed, Mar. 29, 1960; 8:52 a.m.]

[FCC 60-269]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

MARCH 25, 1960.

Notice is hereby given, pursuant to § 1.354(c) of the Commission's rules, that on April 30, 1960, the standard broadcast applications listed below will be considered as ready and available for processing, and that pursuant to § 1.106 (b)(1) and § 1.361(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., no later than (a) the close of business on April 29, 1960, or (b) if action is taken by the Commission on any listed application prior to April 30, 1960, no later than the close of business on the day preceding the date on which such action is taken, or (c) the day on which a conflicting application was "cut off" because it was timely filed for consideration with an application on a previous such list.

Adopted: March 24, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Applications from the top of the processing line

BP-12855 KELK, Elko, Nev.
Elko Broadcasting Co.
Has: 1240 kc, 250 w, U.
Req: 1240 kc, 250 w, 1 kw-LS, U.

BP-12858 NEW, Ashburn, Ga.
Emory L. Pope.
Req: 1570 kc, 1 kw, Day.

BP-12862 NEW, Beaufort, S.C.
Sea Island Broadcasting Co.
Req: 1490 kc, 100 w, U.

BP-12865 NEW, Nashville, Ga.
Hanson R. Carter.
Req: 1600 kc, 1 kw, Day.

BP-12866 NEW, Lordsburg, N. Mex.
Alan A. Koff.
Req: 950 kc, 1 kw, Day.

BP-12869 WMOH, Hamilton, Ohio.
The Fort Hamilton Broadcasting Co.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-12871 WAVO, Decatur, Ga.
The Great Commission Gospel Association, Inc.
Has: 1420 kc, 500 w, DA, Day (Avondale Estates).
Req: 1420 kc, 1 kw, DA, Day (Decatur).

BP-12872 NEW, Canton, N.C.
Vernon E. Pressley.
Req: 920 kc, 500 w, Day.

BP-12877 NEW, Clinton, Tenn.
Clinton Broadcasters, Inc.
Req: 1380 kc, 1 kw, Day.

BP-12885 WAUX, Waukesha, Wis.
Waukesha Broadcasting Co., Inc.
Has: 1510 kc, 250 w, Day.
Req: 1510 kc, 10 kw, DA, Day.

BP-12886 NEW, Spencer, W.Va.
Spencer Broadcasting Co.
Req: 1400 kc, 250 w, U.

BP-12888 WKVA, Lewistown, Pa.
Central Pennsylvania Broadcasting Co.
Has: 920 kc, 1 kw, Day.
Req: 920 kc, 500 w, 5 kw-LS, DA-2, U.

BP-12889 NEW, Barnesville, Ga.
A. S. Riviere.
Req: 1590 kc, 1 kw, Day.

BP-12892 WBTN, Bennington, Vt.
Catamount Broadcasters Inc.
Has: 1370 kc, 500 w, Day.
Req: 1370 kc, 1 kw, Day.

BP-12895 NEW, Rugby, N. Dak.
Rugby Broadcasters.
Req: 1450 kc, 250 w, U.

BP-12904 WTNT, Tallahassee, Fla.
Tallahassee Appliance Corp.
Has: 1450 kc, 250 w, U.
Req: 1450 kc, 250 w, 1 kw-LS, U.

BP-12905 WRWH, Cleveland, Ga.
Newsic, Inc.
Has: 1350 kc, 500 w, Day.
Req: 1350 kc, 1 kw, Day.

BP-12909 NEW, Dishman, Wash.
Bar None, Inc.
Req: 1430 kc, 1 kw, Day.

BP-12910 WPAY, Portsmouth, Ohio.
Paul F. Braden.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-12912 NEW, Clinton, Tenn.
The Clinton Broadcasting Co.
Req: 1570 kc, 250 w, Day.

BP-12913 NEW, Houston, Mo.
Robert F. Neathery.
Req: 1250 kc, 500 w, Day.

BP-12914 NEW, Punta Gorda, Fla.
Lindsay Broadcasting Co.
Req: 1350 kc, 500 w, DA, Day.

BP-12918 WAEB, Allentown, Pa.
WAEB Broadcasters, Inc.
Has: 790 kc, 500 w, 1 kw-LS, DA-2, U.
Req: 790 kc, 1 kw, DA-2, U.

BP-12919 WKNY, Kingston, N.Y.
Kingston Broadcasting Corp.
Has: 1490 kc, 250 w, U.
Req: 1490 kc, 250 w, 1 kw-LS, U.

BP-12923 NEW, Blackshear, Ga.
Collins Corp. of Georgia.
Req: 1350 kc, 500 w, Day.

BP-12925 NEW, Clinton, Tenn.
Mountain Empire Radio Co.
Req: 1460 kc, 500 w, Day.

BP-12926 NEW, Eagle River, Wis.
Eagle River Broadcasting Co.
Req: 950 kc, 1 kw, Day.

BP-12927 KLIQ, Portland, Oreg.
KLIQ Broadcasters.
Has: 1290 kc, 1 kw, Day.
Req: 1290 kc, 5 kw, Day.

BP-12930 NEW, Mariposa, Calif.
Universal Electronics Network.
Req: 790 kc, 500 w, Day.

BP-12933 KLAK, Lakewood, Colo.
Lakewood Broadcasting Service, Inc.
Has: 1600 kc, 1 kw, DA-N, U.
Req: 1600 kc, 1 kw, 5 kw-LS, DA-N, U.

BP-12936 NEW, Benson, N.C.
George G. Beasley.
Req: 1580 kc, 1 kw, Day.

BP-12937 KMAR, Winnsboro, La.
Franklin Broadcasting Co., Inc.
Has: 1570 kc, 500 w, Day.
Req: 1570 kc, 1 kw, Day.

BP-12939 NEW, Nashville, Ga.
Radio Nashville.
Req: 1550 kc, 1 kw, Day.

BMP-8480 WLAT, Conway, S.C.
Coastal Broadcasting Co.
Has: (CP) 1330 kc, 5 kw, Day.
Req: (MP) 1330 kc, 500 w, 5 kw-LS, DA-N, U.

BP-12941 NEW, Las Vegas, Nev.
Las Vegas, Electronics.
Req: 970 kc, 500 w, Day.

BP-12942 KMUL, Muleshoe, Tex.
Radio Station KMUL.
Has: 1380 kc, 500 w, Day.
Req: 1380 kc, 1 kw, Day.

BP-12943 KFIR, North Bend, Ore.
Bay Broadcasting Co.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-12944 KORD, Pasco, Wash.
Music Broadcasters.
Has: 910 kc, 1 kw, Day.
Req: 910 kc, 5 kw, Day.

BP-12946 NEW, Latham, N.Y.
The Iroquois Broadcasting Co., Inc.
Req: 1600 kc, 500 w, Day.

Applications on which 309(b) letters have been issued

BP-12857 WABY, Albany, N.Y.
Eastern New York Broadcasting Corp.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-12868 NEW, Houston, Tex.
Taft Broadcasting Co.
Req: 1010 kc, 1 kw, DA, Day.

BP-12876 NEW, Sapulpa, Okla.
Sapulpa Broadcasters.
Req: 1550 kc, 250 w, Day.

BP-12880 WSJM, St. Joseph, Mich.
WSJM, Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-12891 NEW, Redwood City, Calif.
Western States Broadcasting Co.
Req: 850 kc, 500 w, DA-1, U.

BP-12903 NEW, Seattle, Wash.
Paul R. Heitmeyer.
Req: 1440 kc, 1 kw, Day.

BP-12911 WJHO, Opelika, Ala.
Opelika-Auburn Broadcasting Co.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-12916 WSOY, Decatur, Ill.
Illinois Broadcasting Co.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-12922 WMID, Atlantic City, N.J.
Mid-Atlantic Broadcasting Co.
Has: 1340 kc, 250 w, U.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-12938 NEW, Roseville, Calif.
Trans-Sierra Radio.
Req: 1430 kc, 500 w, DA, Day.

BP-12940 WJBW, New Orleans, La.
Radio New Orleans, Inc.
Has: 1230 kc, 250 w, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

[F.R. Doc. 60-2895; Filed, Mar. 29, 1960; 8:52 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP60-3]

EL PASO NATURAL GAS CO.

Order Providing for Hearing on and Suspension of Proposed Tariff Sheets

MARCH 23, 1960.

On February 23, 1960, El Paso Natural Gas Company (El Paso) tendered for filing First Revised Sheet No. 34-A, Fifth Revised Sheets Nos. 11-A, 27-B, 27-C and 27-E, Sixth Revised Sheets Nos. 27-G and 34, Seventh Revised Sheet No. 18, Eighth Revised Sheets Nos. 4, 6, 8 and 17, Ninth Revised Sheets Nos. 19 and 36, Tenth Revised Sheet No. 11, Twelfth Revised Sheet No. 10 and Sixteenth Revised Sheet No. 14-A to its FPC Gas Tariff, Original Volume No. 1, and Fifth Revised Sheet No. 75-D to its FPC Gas Tariff, Third Revised Volume No. 2. In these revised tariff sheets El Paso proposes an increase in rates of $21,216,108 or 8.2 percent to its jurisdictional customers on the El Paso system as it existed prior to the merger with Pacific Northwest Pipeline Corporation.[1] The proposed increase is based on sales for the year ended October 31, 1959, with adjustments and is in addition to annual increases of $26 million, and $17 million on the same El Paso system effective subject to refund in Docket Nos. G-17929 and G-12948, respectively.

In support of the proposed increase, El Paso submitted cost data for the year ended October 31, 1959, with adjustments. The adjustments reflect questionable items which include but are not limited to (1) increased cost of purchased gas due to spiral escalations, favored nations, and renegotiated rate increases filed by El Paso's suppliers; (2) increased costs of produced gas; (3) increased plant investment; (4) claimed rate of return increase to 6¾ percent; and (5) a general increase in the company's cost of service due to increases in wages and taxes.

It also apears that Sixteenth Revised Sheet No. 14-A to El Paso's FPC Gas Tariff, Original Volume No. 1, and Fifth Revised Sheet No. 75-D to its FPC Gas Tariff Third Revised Volume No. 2, relate to sales of natural gas for resale for industrial use only, and are therefor not subject to suspension under section 4(e) of the Natural Gas Act.

The increased rates and charges provided for in the tariff sheets tendered by El Paso on February 23, 1960, may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classification, and services contained in El Paso's FPC Gas Tariff as proposed to be changed by the above specified revised tariff sheets tendered for filing on February 23, 1960; and that said revised tariff sheets, except the mentioned sheets relating to sales for resale for industrial use only, should be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I) a public hearing be held, upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the rates, charges, classifications and services contained in El Paso's FPC Gas Tariff as proposed to be changed by the above specified revised tariff sheets tendered for filing February 23, 1960.

(B) Pending such hearing and decision thereon, El Paso's First Revised Sheet No. 34-A, Fifth Revised Sheets Nos. 11-A, 27-B, 27-C and 27-E, Sixth Revised Sheets Nos. 27-G and 34, Seventh Revised Sheet No. 18, Eighth Revised Sheets Nos. 4, 6, 8 and 17, Ninth Revised Sheets Nos. 19 and 36, Tenth Revised Sheet No. 11 and Twelfth Revised Sheet No. 10 to El Paso's FPC Gas Tariff, Original Volume No. 1, are hereby suspended and the use thereof deferred until August 25, 1960, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Sixteenth Revised Sheet No. 14-A to El Paso's FPC Gas Tariff, Original Volume No. 1, and Fifth Revised Sheet No. 75-D to El Paso's FPC Gas Tariff Third Revised Volume No. 2, are accepted for filing, effective March 25, 1960.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37(f)) on or before May 9, 1960.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-2850; Filed, Mar. 29, 1960; 8:46 a.m.]

[1] No increase is proposed for the customers of the former Pacific Northwest system.

[Docket No. RI60-205]

FOREST OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate and Allowing Rate Change To Become Effective Upon Filing of Motion and Undertaking To Assure Refund of Excess Charges

MARCH 23, 1960.

On February 26, 1960, Forest Oil Corporation (Forest) tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas to Coastal States Gas Producing Company (Coastal) in the producing area of West Cologne Field, Victoria County, Texas. The proposed change, designated as Supplement No. 2 to Forest's FPC Gas Rate Schedule No. 8 and dated February 25, 1960, reflects an

increase of 4.22984 cents per Mcf from a rate of 8.0768 cents to 12.30664 cents. Forest requests waiver of notice under the Commission's regulations and an effective date of January 1, 1959.

Coastal resells the gas to Tennessee Gas Transmission Company. Forest's contract of sale, dated May 23, 1955, provides that if Coastal should receive a rate increase from Tennessee Gas, the entire increase shall be paid to Forest. A periodic rate increase from 10.81 cents to 10.88 cents per Mcf was accepted for filing under Coastal's related FPC Gas Rate Schedule No. 26 as of July 27, 1959, and a later redetermined rate increase under the same schedule, from 10.88 cents to 15.11 cents per Mcf, was suspended in Docket No. G–19653 until March 17, 1960. Forest now seeks the increase in Coastal's resale rate of 4.3 cents per Mcf.

In support, Forest states that the contract was negotiated at arm's length; the proposed rate does not exceed the going price for similar gas in the area; and the increase is necessary to offset increased costs of operation and to encourage exploration and development.

The proposed change may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Supplement No. 2 to Forest's FPC Gas Rate Schedule No. 8, and that said proposed rate schedule be suspended and the use thereof deferred as hereinafter provided.

(2) It is appropriate in the public interest and in carrying out the provisions of the Natural Gas Act that Forest's proposed rate schedule be made effective as hereinafter provided and that Forest be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4 and 15 of the Natural Gas Act, and the Commission's regulations under the Natural Gas Act, including rules of practice and procedure (18 CFR Ch. I), a public hearing be held at a time and date to be fixed by notice from the Secretary of this Commission, concerning the lawfulness of the rates, charges, classifications, and services, subject to the jurisdiction of the Commission, contained in Supplement No. 2 to Forest's FPC Gas Rate Schedule No. 8.

(B) Pending such hearing and decision thereon Supplement No. 2 to Forest's FPC Gas Rate Schedule No. 8 is hereby suspended, and use deferred until March 18, 1960, and until such further time as it is made effective in the manner hereinafter prescribed, or until such later time as Coastal's resale rate may be made effective subject to refund.

(C) The rates, charges, classifications, and services set forth in the above-designated filing shall be effective as of March 18, 1960: *Provided, however,* That, within 20 days from the date of this order, Forest shall file a motion as required by section 4(e) of th Natural Gas Act and concurrently execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Forest shall refund at such times and in such amounts to persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest thereon at the rate of 7 percent per annum from the date of payment to Forest until refunded; shall bear all costs of any such refunding, shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges effective as of March 18, 1960, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy), in writing and under oath, to the Commission monthly, for each billing period and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom as computed under the rates in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rates and charges allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance hereof, Forest shall concurrently execute and file (original and three (3) copies) with the Secretary of the Commission its motion to make rates effective and its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of Forest Oil Corporation To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order for Hearing, Suspending Proposed Change in Rate and Allowing Rate Change To Become Effective Upon Filing of Motion and Undertaking To Assure Refund of Excess Charges

In conformity with the requirements of the order issued (Date), in Docket RI60–205, Forest Oil Corporation hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this ____ day of ----------, 1960.

FOREST OIL CORPORATION
By ----------

Attest:

Secretary

Unless Forest is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Forest shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged, otherwise it shall remain in full force and effect.

(G) Neither the rate schedule here proposed to be amended nor the supplement hereby suspended shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37(f)) on or before May 6, 1960.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–2851; Filed, Mar. 29, 1960; 8:46 a.m.]

[Docket No. RP60–4]

LONE STAR GAS CO.

Order Providing for Hearing on and Suspension of Proposed Revised Tariff Sheets

MARCH 23, 1960.

On February 8, 1960, Lone Star Gas Company (Lone Star) tendered for filing First Revised Sheet Nos. 4 and 8 to its FPC Gas Tariff, Original Volume No. 1, proposing an annual increase in rates to Natural Gas Pipeline Company of America, its only jurisdiction customer, of $1,284,514 or 27.3 percent, such increase to be effective March 24, 1960.

Lone Star requests that in the event its increase be suspended that the suspension period be shortened so that the increase would be suspended to the same date as that fixed in the proceedings relating to Warren Petroleum Corporation and Kerr-McGee Oil Industries, Inc., in Docket Nos. G–20478 and G–20479, respectively. The increases have been suspended in these proceedings until May 24, 1960.

Lone Star submitted two cost studies in support of its increase, one of which is in an abbreviated form on a systemwide basis. The regulations do not permit the submission of such an abbreviated filing unless certain conditions are met. Lone Star has requested waiver of the regulations to permit it to file the abbreviated application since it relies principally on increased purchased gas costs, although all the suppliers have not as yet applied for the increased rates. Approximately 20 percent of the requested increase is based on such unfiled increases. However, telegrams have been received indicating that the producers who have not filed for the increase will do so shortly.

The cost studies submitted by Lone Star included actual costs for the year ended September 30, 1959, with adjustments. The adjustments reflect questionable items which include but are not limited to increased purchased gas costs, wage increases, additional costs

associated with new facilities authorized in Docket No. G–17900 and a 6½ percent of rate of return and associated income taxes.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown that the requirements under the Regulations Under the Natural Gas Act (§ 154.63) be waived to permit the afore-mentioned abbreviated rate filing tendered by Lone Star to be accepted for filing.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Lone Star's FPC Gas Tariff, Original Volume No. 1 as proposed to be amended by First Revised Sheet Nos. 4 and 8, and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) The requirements of the regulations under the Natural Gas Act (§ 154.63) are hereby waived with respect to the aforementioned abbreviated rate filing and it is hereby accepted for filing.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary, concerning the lawfulness of the rates, charges, classifications, and services contained in Lone Star's FPC Gas Tariff, Original Volume No. 1 as proposed to be amended by First Revised Sheet Nos. 4 and 8.

(C) Pending such hearing and decision thereon, First Revised Sheet Nos. 4 and 8 to Lone Star's FPC Gas Tariff, Original Volume No. 1, are suspended until July 1, 1960, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37(f)) on or before May 9, 1960.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–2852; Filed, Mar. 29, 1960; 8:46 a.m.]

[Docket No. CP60–1]

OHIO FUEL GAS CO.

Notice of Application and Date of Hearing

MARCH 23, 1960.

Take notice that The Ohio Fuel Gas Company (Applicant), an Ohio corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 99 North Front Street, Columbus, Ohio, filed on January 4, 1960, an application for authorization under section 7 of the Natural Gas Act, as amended, to continue delivery and sale of natural gas to Rutland Fuel Company ("Rutland") and The Racine Gas and Service Company ("Racine") all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Rutland and Racine distribute natural gas to the small communities of Rutland and Racine in Meigs County, Ohio. Originally gas was supplied from wells owned and operated by the respective companies and/or purchased from independent producers operating in the area.

By 1955, requirements on the Rutland and Racine systems exceeded available supplies and Applicant was requested to provide the additional volumes needed. Temporary connections were installed so that gas could be delivered to Rutland from gathering lines on the field side of Meigs Station and to Racine from the discharge side of Sutton Station.

During the winter of 1958–59 Applicant increased field pressures temporarily on a portion of the Meigs field in order to maintain service to Rutland at the request of The Public Utilities Commission of Ohio. Rutland was later ordered by The Public Utilities Commission of Ohio to construct the necessary facilities to obtain service from Line F–258. Pursuant to this order, Rutland is in the process of constructing 4.3 miles of 4-inch O.D. line from Line F–258 to connect with its existing distribution facilities at a cost of $28,800 to Rutland. Applicant proposes to install a tap, regulator and meter setting at Line F–258 at an estimated cost of $6,135.00.

As a result of termination of operations at Sutton Station, Racine will also be supplied from Line F–258. No additional facilities are involved to serve Racine.

Line F–258 transports gas received from United Fuel Gas Company. Future delivery and sale of gas to Rutland and Racine will, therefore, be made from facilities subject to the jurisdiction of the Federal Power Commission and Applicant is requesting authorization for such continued delivery and sale and for construction and operation of the required facilities.

This matter is one that should be heard and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 28, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 18, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–2853; Filed, Mar. 29, 1960; 8:47 a.m.]

[Docket No. E–6468]

SOUTH CAROLINA ELECTRIC & GAS CO.

Notice of Time and Place for Hearing

MARCH 23, 1960.

On February 1, 1960, the Commission ordered a hearing, commencing at a time and place to be fixed by notice, respecting the matters involved and the issues presented by the investigation instituted by Commission order issued December 8, 1952 and the recommendations contained in the May 1959 report by the staff of the Commission's Bureau of Power as amended by letter of November 4, 1959, concerning annual charges which South Carolina Electric & Gas Company may be required to pay for headwater benefits from the Clark Hill Project for the years 1950 to 1955, inclusive.

Notice is hereby given that the hearing fixed by Commission order issued February 1, 1960, in Docket No. E–6468, will commence on May 2, 1960, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street N.W., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–2854; Filed, Mar. 29, 1960; 8:47 a.m.]

[Docket No. G–19632]

SOUTHERN NATURAL GAS CO.

Notice of Amendment to Application and Date of Hearing

MARCH 23, 1960.

Take notice that Southern Natural Gas Company (Southern) a Delaware corporation, with its principal place of business in Birmingham, Alabama, filed on March 7, 1960, an amendment to its application filed October 5, 1959, for a certificate of public convenience and necessity. Notice of the application filed on October 5, 1959, was published in the FEDERAL REGISTER on February 5, 1960 (25 F.R. 1063).

Southern's original application filed October 5, 1959 covered proposed firm service to Carolina Pipeline Company and interruptible service to two industrial customers, namely Ruberoid Com-

pany and Hercules Powder Company. Southern, by its amendment, seeks authorization to construct and operate a meter station for the delivery of natural gas on an interruptible basis to the National Gypsum Company (Gypsum) near Savannah, Georgia.

The amendment recites that the maximum daily gas requirements and annual deliveries to Gypsum are estimated at 2,400 Mcf and 584,700 Mcf respectively.

Southern has entered into a 15-year contract with Gypsum for the sale of gas for its gypsum board dryer. The dryer is now operated with fuel oil.

The estimated cost of constructing the proposed meter station is approximately $17,980, which cost will be defrayed from cash on hand or will be derived from current operations.

The plant of Gypsum, to which Southern proposes to deliver natural gas, manufactures gypsum products. The amendment recites that the gas delivered to Gypsum will be used for the direct application of heat in the gypsum board dryer and for the generation of steam.

Take further notice that on March 16, 1960 a pre-hearing conference was held in relation to the above-entitled matter before the Presiding Examiner, and as a result thereof, a hearing will be held commencing on April 19, 1960 at 10 a.m., e.s.t. in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C. concerning the matters involved in and the issues presented by such application as amended.

In view of the amendment filed, protests or petitions to intervent may be filed with the Federal Power Commission, Washington 25, D.C. in accordance with the rules of practice and procedure on or before April 12, 1960.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-2855; Filed, Mar. 29, 1960; 8:47 a.m.]

[Project No. 2273]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Notice of Application for License

MARCH 23, 1960.

Public notice is hereby given that Washington Public Power Supply System, of Kennewick, Washington, has filed an application under the Federal Power Act (16 U.S.C. 791a–825r) for a license for a waterpower Project No. 2273, to be known as the Nez Perce project to be located at about river mile 186 on the Snake River and about 2.5 miles below the mouth of the Salmon River and about 5.5 miles below the mouth of the Imnaha River, in Nez Perce, Idaho and Adams Counties in Idaho, and Wallowa County, Oregon.

The Nez Perce project will consist of a concrete arch dam approximately 700 feet high, a reservoir with a normal pool elevation of 1490 feet (m.s.l.) extending 61 miles upstream on the Snake River to the Low Hells Canyon development of Project No. 1971, 62 miles upstream on the Salmon River; and about 10 miles upstream on the Imnaha River, and having a total capacity of 6,000,000 acre-feet and a maximum usable storage capacity of 4,500,000 acre-feet. One powerhouse is to be located on the Oregon side immediately below the dam with initial installation of six generating units each rated at 200,000 kilowatts. Provision is to be made for a future powerhouse similarly located on the Idaho side to house six more 200,000 kilowatt generating units, making the ultimate capacity of 2,400,000 kilowatts. An adjacent switchyard, access road and associated hydraulic and electrical facilities will also be included.

Pursuant to section 24 of the Federal Power Act, the filing of this application has the effect of segregating from all forms of disposal any lands of the United States which may be contained within the project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is May 9, 1960. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-2856; Filed, Mar. 29, 1960; 8:47 a.m.]

[Docket Nos. RI60-196—RI60-204]

CARL J. WESTLUND ET AL

Order Providing for Hearing on and Suspension of Proposed Changes in Rates [1]

MARCH 23, 1960.

Carl J. Westlund (Operator), et al., Docket No. RI60-196; Jay Simmons, et al., Docket No. RI60-197; Helmerich & Payne, Inc. (Operator), et al, Docket No. RI60-198; Mrs. Nellie Virginia Kelly, Docket No. RI60-199; Harper Oil Co. (Operator), et al, Docket No. RI60-200; Phillips Petroleum Co. (Operator), et al., Docket No. RI60-201; Hunt Oil Company, Docket No. RI60-202; Edwin L. Cox, Docket No. RI60-203; Texas Gulf Producing Co., Docket No. RI60-204.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for their sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

[1] This order does not provide for the consolidation for hearing or disposition of the separately-docketed matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated	Date tendered	Effective date unless suspended[1]	Date suspended until	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect[2]	Proposed increased rate	
RI60-196	Carl J. Westlund (Operator), et al.	1	5	El Paso Natural Gas Co. (Spraberry Field, Upton County, Tex.).	Undated	2-25-60	3-27-60	8-27-60	11.1056	17.14325	----------
RI60-197	Jay Simmons, et al	1	5	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.).	do	2-23-60	3-25-60	8-25-60	10.5	15.559	----------
RI60-198	Helmerich & Payne, Inc. (Operator), et al.	4	3	Northern Natural Gas Co. (Hugoton Field, Haskell County, Kans.).	do	2-26-60	3-28-60	8-28-60	11.0	15.0	----------
RI60-199	Mrs. Nellie Virginia Kelly.	1	2	Kerr-McGee Oil Industries, Inc. (Panhandle Field, Tex.).	do	2-26-60	4- 1-60	9- 1-60	10.2959	11.7518	----------
RI60-200	Harper Oil Co. (Operator), et al.	2	2	El Paso Natural Gas Co. (Lea County, N. Mex.).	do	2-26-60	3-28-60	8-28-60	10.5	15.559	----------
RI60-201	Phillips Petroleum Co. (Operator), et al.	323	2	Lone Star Gas Co. (Fox-Graham Field, Carter County, Okla.).	2-19-60	2-23-60	3-25-60	8-25-60	11.0	16.8	G-16333
RI60-201	do	324	2	do	2-19-60	2-23-60	3-25-60	8-25-60	11.0	16.8	G-16339
RI60-202	Hunt Oil Co	36	8	El Paso Natural Gas Co. (Amacker-Tippett Field, Upton County, Tex.).	Undated	2-24-60	3-26-60	8-26-60	10.3072	13.68225	[3] G-20009
RI60-203	Edwin L. Cox	15	4	Panhandle Eastern Pipe Line Co. (Texas County, Okla.).	2-12-60	2-23-60	3-25-60	8-25-60	16.4	16.6	G-18103
RI60-204	Texas Gulf Producing Co.	3	10	Trunkline Gas Co. (Columbus Field, Colorado County, Tex.).	2-16-60	2-24-60	3-26-60	8-26-60	15.0	20.0	G-16177
RI60-204	do	4	10	do	2-16-60	2-24-60	3-26-60	8-26-60	15.0	20.0	G-16240

[1] The stated effective dates are those requested by Respondents or the first day after expiration of the required 30 days' notice, whichever is later.
[2] The pressure base is 14.65 psia.
[3] High pressure gas rates are in effect subject to refund in Docket Nos. G-18555 and G-16479 and suspended in Docket No. G-20531.

In support of their increased rates, Harper, Hunt, Simmons, and Westlund state that the amendatory agreements were negotiated at arm's length, and that in consideration of the higher rates, the sellers agreed to eliminate favored-nation clauses from their contracts. Westlund also cites the rates for sales to Transwestern Pipe Line Company that were certificated by Commission Opinion No. 328. Hunt additionally states that its amendatory agreement extends the contract term for 20 years from January 1, 1960, in lieu of the former term of 20 years from the date initial delivery under Hunt's contract dated September 4, 1956.

In support of its proposed increase, Phillips states that Phillips' Exhibit No. 324 received in evidence in Docket Nos. G–1148, et al., shows that the price for the subject gas should be 18.5 cents per Mcf on a cost basis; the proposed rates are comparable to and are based upon the current market price for gas in the area; and the increased rates are necessary to encourage search for new reserves.

In support, Texas Gulf states that its proposed favored nation increases are in accordance with contractual provisions; the contracts were negotiated at arm's length; and the proposed rates are less than the going price for gas in the area.

Helmerich & Payne states that its proposed rate was established by an arbitration board and is based upon substantial evidence of the prices currently being arrived at for competitive sales in the same area; and the costs of labor, structural steel, casing and tubular goods have been steadily increasing.

In support of her redetermined rate increase, Mrs. Kelly states that there has been no change in rate under her rate schedule since July 1, 1959, and that the proposed rate is well below the maximums being paid for gas in the same area.

In support of its proposed periodic increase, Cox states that the pricing provisions of the contract collectively represent the negotiated contract price; the subject rate filing is an integral part of the initial rate filing; and such pricing arrangement is common in long term contracts and is economically desirable to the buyer, the seller and the public.

The proposed changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37(f)) on or before May 6, 1960.

By the Commission. Commissioner Kline dissenting.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60–2857; Filed, Mar. 29, 1960; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARKANSAS

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the State of Arkansas a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ARKANSAS

Boone. Newton.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 24th day of March 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60–2888; Filed, Mar. 29, 1960; 8:51 a.m.]

FLORIDA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in the State of Florida a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

FLORIDA

Brevard.	Osceola.
Hernando.	Pasco.
Hillsborough.	Pinellas.
Indian River.	Polk.
Lake.	Seminole.
Orange.	Sumter.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 25th day of March 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60–2889; Filed, Mar. 29, 1960; 8:51 a.m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

ALLAN PORJE ET AL.

Order Denying Export Privileges for an Indefinite Period

In the matter of Allan Porje, individually and as operator of Chirana Ltd., Centrotex Ltd., Kovo Ltd., St. Eriksgatan 69, Stockholm, Sweden, respondent; File 23–548.

There is pending an investigation concerning what apears to be an unauthorized diversion of electronic materials exported from the United States. The Director of the Investigation Staff, Bureau of Foreign Commerce, has applied for an order denying to Allan Porje, individually and as operator of Chirana Ltd., Centrotex Ltd., and Kovo Ltd., all export privileges for an indefinite period because of his failure and refusal to respond to written interrogatories duly served on him. The application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, CFR) and, in accordance with the practice thereunder, was referred to the Compliance Commissioner of the Bureau of Foreign Commerce who, after considering evidence in support thereof, has recommended that it be granted.

The evidence submitted in support of the application shows that electronic materials exported from the United States for delivery to a purchaser in Sweden might have been diverted to an unauthorized person for delivery to a Soviet-bloc country. Relevant and material interrogatories concerning the participation of the respondent in the transaction and the disposition of the goods involved were duly served on him, but he has failed and omitted to answer the same and has failed to give any explanation for his failure so to do. Such failure and omission to answer the interrogatories has impaired and impeded the investigation by the Bureau of Foreign Commerce into the ultimate disposition of said materials

and the manner in which it was accomplished.

Having concluded that this order is reasonable and necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended: *It is hereby ordered:*

I. All outstanding validated export licenses in which the respondent appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and the holders thereof are hereby directed to return them forthwith to the Bureau of Foreign Commerce for cancellation;

II. The respondent, his associates, agents, companies, firms, and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in any past, present, or future exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit said respondent's and such other persons' and firms' participation (a) as parties or as representatives of a party to any validated export license application; (b) in the using of any export control document; (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States;

III. This denial of export privileges shall apply not only to the respondent, but also, to the extent necessary to prevent evasion, to any person, firm, corporation, or business organization with which he now or hereafter may be related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith;

IV. This order shall remain in effect until the respondent satisfactorily answers or furnishes written information or documents in response to the interrogatories heretofore served on him or gives adequate reason for his failure or refusal to respond, except insofar as it may be amended or modified hereafter in accordance with the Export Regulations;

V. Without prior disclosure of the facts to and specific authorization from the Bureau of Foreign Commerce, no person, firm, corporation, or other business organization, within the United States or elsewhere (whether or not engaged in trade relating to exports from the United States), acting on behalf of or in association with the respondent, any of his firms, or any person or firm associated with him, shall directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States; nor shall any person do any of the foregoing acts with respect to any exportation as to which the respondent may have any interest or obtain any benefit of any kind or nature, direct or indirect.

VI. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondent may move, at any time prior to the cancellation or termination hereof, to vocate or modify this indefinite denial order by filing an appropriate application therefor, supported by evidence, with the Compliance Commis- hereof, to vacate or modify this indef- thereon, which, if requested, will be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

Dated: March 24, 1960.

JOHN C. BORTON,
Director, Office of Export Supply.

[F.R. Doc. 60-2844; Filed, Mar. 29, 1960; 8:45 a.m.]

Federal Maritime Board

[Docket No. S-106]

MOORE-McCORMACK LINES, INC.

Hearing on Application To Serve Certain Ports

Moore-McCormack Lines, Inc., application to serve ports on Trade Route No. 8 and ports in the London/Southampton Range on Trade Route No. 5 with ships operating on its American Scantic Line. (Trade Route No. 6.)

Notice of application as stated above appeared in the FEDERAL REGISTER issue of February 9, 1960 (25 F.R. 1150).

On March 17, 1960, the Federal Maritime Board, at the request of interested parties, authorized and directed its Hearing Examiners' Office to conduct a hearing on said application under § 605 (c), Merchant Marine Act, 1936, as amended, in accordance with the Board's rules of practice and procedure.

Any person, firm, or corporation desiring to participate in said hearing should file promptly petition for leave to intervene.

Dated: March 25, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-2870; Filed, Mar. 29, 1960; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

STATEMENT OF ORGANIZATION AND DELEGATIONS OF AUTHORITY

Office of the Commissioner

Part 8 of the Statement of Organization and Delegations of Authority of the Department (22 F.R. 1050; as amended by 22 F.R. 6657) is further amended as follows:

1. Section 8.10, insofar as it relates to the Office of the Commissioner, is amended to read as follows:

Office of the Commissioner:
  Division of Program Research.
  Office of Hearings and Appeals:
    Appeals Council.
    Operations Division.
    Program Division.
  Division of the Actuary.

Dated: March 23, 1960.

[SEAL] ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 60-2865; Filed, Mar. 29, 1960; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 316]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 25, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 4405 (Sub No. 350), filed February 29, 1960. Applicant: DEALERS TRANSIT, INC., 12601 South Torrance Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, Semi-Trailers, Trailer Chassis* and *Semi-Trailer Chassis*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Richmond County, Ga., and points in that part of the Commercial Zone of Augusta, Ga., located in South Carolina, as determined by the Commission in Ex Parte MC-37, to all points in the United States, including Alaska, but excluding Hawaii, and *rejected, damaged,* or *defective shipments* of the commodities specified, on return.

HEARING: May 19, 1960, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Warren C. White.

No. MC 15852 (Sub No. 10), filed March 17, 1960. Applicant: FORBES TRUCKING CO., INC., 10 Morton Street, P.O. Box 98, Carlton Hill, N.J. Authority sought to operate as a *common carrier*, by motor vericle, over irregular

routes, transporting: *Dry commodities,* in bulk (except sand, gravel, cement, coal and coke), between points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Pennsylvania, Ohio, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: April 18, 1960, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 21684 (Sub No. 17), filed February 29, 1960. Applicant: CHARLES E. DANBURY, INC., P.O. Box 97, Williamsburg, Ohio. Applicant's attorney: Jack B. Josselson, Atlas Bank Building, Cincinnati 2, Ohio. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Trailers,* other than those designed to be drawn by passenger automobiles, *trailer chassis,* and *accessories* and *equipment* therefor, in or attached to the transported trailers, in initial movements, in truckaway service, from points in Richmond County, Ga., and points in the Commercial Zone of Augusta, Ga., located in South Carolina, as determined by the Commission in Ex Parte MC–37 to all points in the United States except Hawaii.

HEARING: May 19, 1960, in Room 712 Federal Building, Cincinnati, Ohio, before Examiner Warren C. White.

No. MC 25798 (Sub No. 33), filed March 3, 1960. Applicant: CLAY HYDER TRUCKING LINES, INC., Chimney Rock Highway, Hendersonville, N.C. Applicant's attorney: Chester E. King, 1507 M Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products and articles distributed by meat packing houses* as defined in Sections A, B, and C of Appendix 1 to the report in 61 MCC 209 and 766, from South St. Paul, Minn. to points in Virginia.

HEARING: June 15, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Illinois, before Examiner Maurice S. Bush.

No. MC 30518 (Sub-No. 3) filed March 1, 1960. Applicant: CARLOS A. STILWELL, doing business as STILWELL TRUCK SERVICE, Detroit, Ill. Applicant's attorney: Grover C. Hoff, 408 Ridgely Building, Springfield, Ill. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Whey,* rough dried or "popcorn", in containers or in bulk; *Whey,* dried, ground, in containers or in bulk; *Milk,* skim, dried, in containers or in bulk; *prepared animal or poultry feed,* and ingredients for such feed; and, *machinery, machinery parts, equipment and supplies;* for Midwest Dried Milk Co., between the plants of Midwest Dried Milk Co., at Pittsfield and Dundee, Ill., on the one hand, and on the other, points in Indiana, Iowa, Minnesota, Missouri, Ohio, Wisconsin, Kentucky, and Tennessee.

HEARING: June 10, 1960, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Examiner Maurice S. Bush.

No. MC 34837 (Sub No. 11), filed March 15, 1960. Applicant: RELIABLE TRANSPORT, INCORPORATED, U.S. 1 North, Raleigh, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, irregular routes, transporting: *Petroleum gasoline,* from Richmond, Va., to points in North Carolina on and west of U.S. Highway 21 and those in South Carolina on and west and north of U.S. Highway 1.

HEARING: May 3, 1960, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner Robert R. Boyd.

No. MC 39443 (Sub No. 10), filed September 24, 1959. Applicant: RAY E. THOMPSON & SONS, INC., 4800 Broadway, Quincy, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Fertilizer,* except in bulk, from East St. Louis, Ill., to points in Missouri; (2) *Fertilizer,* from Fulton, Ill., to points in Missouri; and (3) *Fertilizer,* except in bulk, from Fulton, Ill., to points in Iowa and Wisconsin. Applicant is authorized to conduct operations in Illinois, Missouri, Wisconsin, Iowa, Indiana, Tennessee, and Nebraska.

HEARING: June 8, 1960, at the U.S. Court Rooms and Federal Building, Springfield, Illinois, before Examiner Maurice S. Bush.

No. MC 40428 (Sub No. 8) (REPUBLICATION) filed December 1, 1959; published in the FEDERAL REGISTER, issue of December 16, 1959. Applicant: CROSS TRANSPORTATION, INC., Carll's Corners, P.O. Box R.D. No. 5, Bridgeton, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic containers, glass containers, carboys, demijohns,* or *jars, bottles, packing glasses, caps, covers, stoppers, closures* or *tops, boxes,* paper fiberboard or pulpboard in sheets or rolls, *fiberboard,* liners or fillers, in package containers or on pallets, from Glassboro and Bridgeton, N.J., to points in New Hampshire, Vermont, and Maine, and *empty containers or other such incidental facilities,* and *rejected and damaged shipments* of the commodities specified in this application on return.

HEARING: May 10, 1960, at 346 Broadway, New York, N.Y., before Examiner William E. Messer.

No. MC 41915 (Sub No. 22), filed February 15, 1960. Applicant: MILLER'S MOTOR FREIGHT, INC., Zinn's Quarry Rd., York, Pa. Applicant's attorney: Norman T. Petow, 43 North Duke Street, York, Pa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plaster, gypsum, lime, plaster retarder and plaster accelerator, plaster articles and gypsum articles, plasterboard joint system, nails, clips, wedges, wire fasteners and channels,* not to exceed 1 percent of the total weight, from Akron, N.Y., to points in Delaware, and *rejected materials,* and *empty containers or other such incidental facilitis* (not specified) used in transporting the above-described commodities on return.

HEARING: May 9, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pennsylvania, before Examiner Robert A. Joyner.

No. MC 55037 (Sub No. 8), filed March 7, 1960. Applicant: DEARMIN TRANSFER, INC., Highway 61, Wapello, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines 16, Iowa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer and feed,* from Chicago and Peoria, Ill., and St. Louis, Mo., to points in Davis, Des Moines, Henry, Keokuk, Lee, Louisa, Nuscatine, Van Buren, Wappello, and Washington Counties, Iowa.

HEARING: June 23, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Maurice S. Bush.

No. 82101 (Sub No. 2), filed March 22, 1960. Applicant: WESTWOOD CARTAGE, INC., Route 1, Westwood, Mass. Applicant's attorney: Francis E. Barrett, Jr., 7 Water Street, Boston 9, Mass. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such Merchandise, as is dealt in by wholesale, retail and chain grocery and food business houses,* and in connection therewith, equipment, materials and supplies used in the conduct of such business (except commodities in bulk in tank trucks), from Boston, Mass., to points in Westchester County, N.Y., and those in Maine, New Hampshire, Vermont, Rhode Island, and Connecticut (duplication with existing authority to be eliminated), under a continuing contract with Stop & Shop, Inc., and *returned or damaged shipments of the commodities specified above, on return trips.*

HEARING: April 12, 1960, at the New Post Office and Court House Building, Boston, Mass., before Examiner Alton R. Smith.

No. MC 92983 (Sub No. 373), filed March 7, 1960. Applicant: ELDON MILLER, doing business as ELDON MILLER, INC., 330 East Washington, Iowa City, Iowa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products,* in bulk, in tank vehicles, from points in Blackhawk County, Iowa to Illinois, Minnesota, and Wisconsin.

HEARING: May 16, 1960, at the Randolph Hotel, Des Moines, Iowa, before Examiner Garland E. Taylor.

No. MC 95540 (Sub No. 310) Filed August 17, 1959. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 785, Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-*

products and articles distributed by meat packing houses, as described in Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, 272, 273, from Alton, Taylorville, and Springfield, Ill., to points in Alabama, Florida, Georgia, Mississippi, South Carolina, and those in that part of Louisiana on and east of the Mississippi River, including the Commercial Zones of Baton Rouge, and New Orleans, La. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Common control may be involved.

HEARING: June 7, 1960, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Examiner Maurice S. Bush.

No. MC 96902 (Sub No. 2), REPUBLICATION), filed November 27, 1959, published in the FEDERAL REGISTER, issue of January 13, 1960. Applicant: CENTRAL EXPRESS, INC., 1071 Canton Avenue, Milton, Mass. Applicant's attorney: Francis E. Barrett, Jr., 7 Water Street, Boston 9, Mass. By application filed November 27, 1959, Central Express, Inc., sought a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a *common carrier,* by motor vehicle, of *exposed and processed photographic film,* other than for commercial theater or television exhibition, and, together therewith, *incidental supplies* used in and for shipping said film, between Boston, Mass., on the one hand, and, on the other, points in Rockingham, Merrimack, and Hillsboro Counties, N.H., and points in Massachusetts on and east of Massachusetts Highway 12. Due to an oversight on the part of the supporting shipper in specifying the destinations to which it desires service, the application as filed and published in the FEDERAL REGISTER failed to include points in Strafford County, N.H. The error was discovered a short time prior to the hearing and at the hearing applicant's counsel sought to amend the application to include Strafford County. In accordance with § 1.241(a) of the Commission's special rules of practice, the board refused to allow the amendment. Under the circumstances, however, specifically the lack of opposition and the location of Strafford County in relation to the other destinations sought, the board allowed applicant to submit evidence regarding that county. Moreover, in view of its findings on the issue of public convenience and necessity, the board considers it appropriate to include Strafford County in the authority granted subject to the condition that the application be republished in the FEDERAL REGISTER and that no objection thereto is made within the prescribed period. Accordingly, upon consideration of all evidence of record, the joint board finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, of *exposed and processed photographic film,* other than for commercial theater or television exhibition, and together therewith, *incidental supplies* used in and for shipping said film, between Boston, Mass., on the one hand, and, on the other, points in Rockingham, Merrimack, Hillsboro, and Strafford Counties, N.H., and points in Massachusetts on and east of Massachusetts Highway 12, subject to the condition that the application be republished in the FEDERAL REGISTER showing the additional authority sought in Strafford County, N.H. Any person or persons who may have been prejudiced by the allowance of the additional territory may, within 30 days of this republication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 98952 (Sub No. 8), filed September 24, 1959. Applicant: M. W. CROSBY AND C. E. MAXEY, a partnership, doing business as GENERAL TRANSFER CO., 2800 North Main Street, Decatur, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Agricultural machinery, agricultural implements,* and *parts* thereof, on flatbed equipment, from Springfield, Ill. to St. Louis, Mo., and points in Adair, Knox, Lewis, Macon, Shelby, Marion, Randolph, Monroe, Ralls, Boone, Audrian, Pike, Callaway, Montgomery, Lincoln, Warren, St. Charles, Cole, Osage, Gasconade, Franklin, St. Louis, Jefferson, Miller, Maries, Pulaski, Phelps, Crawford, Washington, St. Francois, Ste. Genevieve, Texas, Dent, Iron, Shannon, Reynolds, Madison, Perry, Bollinger, Cape Girardeau, Howell, Oregon, Carter, and Wayne Counties, Mo. Applicant is authorized to conduct operations in Indiana, Illinois, and Kentucky.

HEARING: June 9, 1960, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 13, or, if the Joint Board waives its right to participate, before Examiner Maurice S. Bush.

No. MC 104675 (Sub No. 11), filed March 14, 1960. Applicant: FRONTIER DELIVERY, INC., 620 Elk Street, Buffalo 10, N.Y. Applicant's attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo, N.Y. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry commodities,* in bulk (except sand, gravel, cement, coal and coke), and *damaged, refused* and *rejected shipments,* and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, between points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Kentucky, Ohio, Michigan, Indiana, Illinois, Iowa, Minesota, Wisconsin, Missouri, Tennessee, and the District of Columbia.

HEARING: April 18, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 107295 (Sub No. 68), filed December 21, 1959. Applicant: PRE-FAB TRANSIT CO., a corporation, Farmer City, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber, shingles and shakes,* from points in Washington, Oregon, Montana, and Idaho, to points in Illinois, Indiana, Ohio, and Iowa. Applicant is authorized to conduct operations throughout the United States.

HEARING: June 9, 1960, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Examiner Maurice S. Bush.

No. MC 107299 (Sub No. 7), filed March 7, 1960. Applicant: ROBERTS CARTAGE COMPANY, a corporation, 1719 West 25th Street, Chicago 9, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Laboratory fixtures and equipment,* and *empty containers or other such incidental facilities,* used in transporting the commodities specified, between Chicago, Ill., and points in the United States except Connecticut, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Nebraska, New York, Ohio, Pennsylvania, West Virginia, Wisconsin, Alaska, and Hawaii.

HEARING: June 14, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Maurice S. Bush.

No. MC 107304 (Sub No. 7), filed January 15, 1960. Applicant: TRANSWAY, INC., 235 South Genois Street, New Orleans, La. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities,* including *those of unusual value,* but excluding Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and livestock; subject to the restriction and condition that no service shall be rendered in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day, between New Orleans, La., on the one hand, and, on the other, points on and within a boundary line beginning at the Gulf of Mexico at the Louisiana-Texas State line and extending northwardly along the Louisiana-Texas State line to the Arkansas-Louisiana State line, thence northwardly along the Arkansas-Texas State line to and including the town of Texarkana, thence southeastwardly along U.S. Highway 82 to Strong, Ark., thence southeastwardly along Arkansas Highway 129 to the Arkansas-Louisiana State line, thence eastwardly along the Arkansas-Louisiana State line to the Mississippi State line, thence northwardly along the Arkansas-Mississippi State line to junction U.S.

Highway 82, thence eastwardly along U.S. Highway 82 to the Alabama-Mississippi State line, thence northwardly along the Mississippi-Alabama State line to junction U.S. Highway 278 (or Alabama Highway 118), thence eastwardly along U.S. Highway 278 to Guin, Ala., thence southwardly along U.S. Highways 278 and 43 to Winfield, Ala., thence continue southwardly along U.S. Highway 43 to Tuscaloosa, Ala., thence southwardly along Alabama Highway 69 to Grennsboro, Ala., thence southwardly along Alabama Highway 61 to Uniontown, Ala., thence eastwardly along U.S. Highway 80 to junction Alabama Highway 5, thence southwardly along Alabama Highway 5 to junction Alabama Highway 28, thence southeastwardly along Alabama Highway 28 to Camden, Ala., thence southeastwardly along Alabama Highway 10 to Luverne, Ala, thence southeastwardly along U.S. Highway 29 to Brantley, Ala., thence southeastwardly along Alabama Highways 52 or 189 to Elba, Ala., thence southeastwardly along U.S. Highway 84 to Dothan, Ala., thence southwardly along U.S. Highway 231 to the Gulf of Mexico at Panama City, Fla., including points on the indicated portions of the highways specified.

HEARING: May 9, 1960, at the Jung Hotel, New Orleans, La., before Examiner William J. Cave.

No. MC 107496 (Sub No. 156), filed February 24, 1960. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas,* in bulk, in tank vehicles, between points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, the Upper Peninsula of Michigan, and Wisconsin.

NOTE: Applicant states that all duplicating authority held by it will be eliminated. Common control may be involved.

HEARING: June 20, 1960, in Room 401, Old Federal Office Building, Fifth and Court avenues, Des Moines, Iowa, before Examiner Maurice S. Bush.

No. MC 107640 (Sub No. 39), filed February 10, 1960. Applicant: MIDWEST TRANSFER COMPANY OF ILLINOIS, a corporation, 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract or common carrier,* by motor vehicle, over irregular routes, transporting: *Cement pipe,* containing asbestos fibre, and *fittings,* and *accessories* therefor, (1) from Waukegan, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Missouri, Nebraska, Ohio, Pennsylvania, and Wisconsin, except Milwaukee, Racine and Kenosha, and those in that portion of New York on and west of a line beginning at Point Breeze and extending along New York Highway 98 to Salamanca, and thence along U.S. Highway 219 to the New York-Pennsylvania State line. (2) From St. Louis, Mo., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Ohio, West Virginia, and Wisconsin, those in that portion of Nebraska on and east of U.S. Highway 77 extending from South Sioux City to the Nebraska-Kansas State line, those in that portion of Pennsylvania on and west of U.S. Highway 219, and those in that portion of New York on and west of New York Highway 14. Also filed with this application is a Petition of Midwest Transfer Company of Illinois for Clarification of its Permits, Nos. MC–107640, MC–107640 (Sub No. 6) and MC–107640 (Sub No. 27).

NOTE: Applicant states it now holds authorities, among others, to transport *"Pipe,* cement, containing asbestos fibre" as a part of a list of commodities under the description of *"Building, Roofing and Insulating Materials",* and has engaged in the transportation of the considered commodities for a number of years. The purposes of the instant application are (1) to clarify applicant's authority to transport the commodities described above when they are to be used for purposes other than "building materials," and (2) to present evidence showing that public convenience and necessity require a continuation of applicant's past transportation of these commodities. Common control may be involved. Applicant has common carrier applications pending in Dockets No. MC 114021 and MC 114021 Sub 6, and Section 210, dual operations, may be involved. A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 107640 (Sub No. 36).

HEARING: June 17, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Illinois, before Examiner Maurice S. Bush.

No. MC 108449 (Sub No. 100), filed March 9, 1960. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas,* in bulk, in tank vehicles, between points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Upper Peninsula of Michigan, and Wisconsin.

NOTE: Applicant states all duplicating authority presently held will be eliminated.

HEARING: June 20, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Maurice S. Bush.

No. MC 110420 (Sub No. 252), filed February 23, 1960. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Liquid yeast,* in bulk, in tank vehicles, from Milwaukee, Wis., to Peoria Heights, Ill., (2) *Liquid adhesives,* in bulk, in tank vehicles, from Chicago, Ill., to points in Indiana, Iowa, Wisconsin, Minnesota, Missouri, Michigan, Ohio, Kentucky, Oklahoma, and Tennessee, (3) *corn syrup, and liquid sugar and blends or mixtures thereof,* in bulk, in tank vehicles, from Roby or Hammond, Ind., to points in North Dakota, and (4) *malt syrup,* in bulk, in tank vehicles, from Pekin, Ill., to points in Indiana, Iowa, Wisconsin, Minnesota, Missouri, Michigan, Kentucky, Tennessee, and Oklahoma.

HEARING: June 13, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Maurice S. Bush.

No. MC 110988 (Sub No. 65), filed February 17, 1960. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid adhesive,* in bulk, in tank vehicles, from Meredosia, Ill., to Balfour, N.C.

HEARING: June 15, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Maurice S. Bush.

No. MC 112148 (Sub No. 16), filed March 7, 1960. Applicant: JAMES H. POWERS, INC., Melbourne, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Canned goods and frozen foods,* (1) from Lawton and Decatur, Mich., to Rock Island, Moline, and Milan, Ill., Prairie du Chien and Rice Lake, Wis., and points in Iowa and Nebraska. (2) From Lawton, Mich., to Alexandria, Bemidji, Marshall, Pipestone, and Thief River Falls, Minn., Fargo and Grand Forks, N. Dak., and Sioux Falls, Mitchell, Huron, and Beresford, S. Dak.

HEARING: June 24, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Maurice S. Bush.

No. MC 115181 (Sub No. 3), filed December 7, 1959. Applicant: HAROLD M. FELTY, Pine Grove, Pa. Applicant's attorney: Spencer R. Liverant, 11 East Market Street, York, Pa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Fertilizer,* and *ingredients* used in making fertilizer, from Baltimore, Md., to points in Scott Township, Columbia County, Pa.; (2) *fertilizer,* from Baltimore, Md., to Hickory Corners, Pa., and points within 25 miles of Hickory Corners; and *rejected shipments* of the above-specified commodities, from the above-specified destination points to the respective origin points. Applicant is authorized to conduct operations in Maryland, Pennsylvania, and the District of Columbia.

NOTE: Applicant states that the purpose of (2) above is to convert his authority under MC 115181 (Sub No. 1), from a regular to an irregular route operation.

HEARING: May 5, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pennsylvania, before Examiner Robert A. Joyner.

No. MC 116205 (Sub No. 7), filed December 10, 1959. Applicant: BOB JENKINS TRUCK LINES, INC., P.O. Box 430, 500 Diagonal Avenue, Charles City, Iowa. Applicant's attorney: Keith S. Noah, 204½ North Main Street, Charles City, Iowa. Authority sought to operate as a *common carrier,* by motor vehicle,

over irregular routes, transporting: *Tractors and attachments,* except those requiring special equipment to handle, and except tractors designed for vehicle beds, and farm machinery and attachments, between Rock Island, Moline, and East Moline, Ill., on the one hand, and, on the other, points in Texas. Applicant is authorized to conduct operations in Alabama, Georgia, Iowa, Louisiana, and Texas.

HEARING: April 21, 1960, at the Baker Hotel, Dallas, Texas, before Examiner Leo A. Riegel.

No. MC 117760 (Sub. No. 1), filed February 15, 1960. Applicant: FLOYD A. SCHEIB TRUCKING COMPANY, R.D. No. 2, Hegins, Pa. Applicant's attorney: Norman T. Petow, 43 North Duke Street, York, Pa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sand and gravel,* from points in Cecil County, Md., to points in Delaware County, Pa.

HEARING: May 10, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Robert A. Joyner.

No. MC 119206 (Sub No. 3), filed March 23, 1960. Applicant: GULF COAST ENTERPRISES, INC., 8888 Hempstead Highway, P.O. Box 19248, Houston 23, Harris County, Tex. Applicant's attorney: Joe G. Fender, Melrose Building, Houston 2, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Shrimp,* in mixed truckload shipments with *frozen fruits, frozen berries* and *frozen vegetables,* from points in Texas to points in Alabama, Arizona, Arkansas, California, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin. On return applicant proposes to transport *frozen fruits, frozen berries, frozen vegetables, bananas* and *exempt commodities.*

HEARING: April 13, 1960, at the U.S. Court Rooms, Brownsville, Tex., before Examiner Harold P. Boss.

No. MC 119268 (Sub No. 1), filed February 1, 1960. Applicant: OSBORN, INC., 124 Court Street, Gadsden, Ala. Applicant's attorney: Maurice F. Bishop, 325–29 Frank Nelson Building, Birmingham, Ala. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat byproducts, dairy products, articles distributed by meat-packing houses and such commodities as are used by meat packers* in the conduct of their business when destined to and for use by meat packers as described in Appendix I, Descriptions of Motor Carrier Certificates, 61 M.C.C. 272, from points in Minnesota, Iowa, Missouri, and Wisconsin, to points in Mississippi, Alabama, Tennessee, Georgia, Florida, North Carolina, and South Carolina and Louisiana, and *empty containers or other such incidental facilities* (not specified) used in transporting the above named commodities, and *exempt commodities,* on return.

HEARING: June 16, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Maurice S. Bush.

No. MC 119384 (Sub No. 2), filed February 12, 1960. Applicant: EDWIN L. MORTON, doing business as MORTON TRUCK LINES, 101 West Willis Avenue, Perry, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Building, Des Moines 9, Iowa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: 1. *Sheet steel, including corrugated and galvanized sheet steel, steel posts, rivets, steel fencing,* galvanized or not galvanized, *corrugated plating, bolts,* and *nuts,* (a) from Kokomo, Ind., and points in Calumet and North Townships. Lake County, Ind., Muscatine, Des Moines, and Sioux City, Iowa, and Pierre, S. Dak., to Duluth and McGregor, Minn., (b) from Pierre, S. Dak., to Sioux City, Des Moines, and Muscatine, Iowa, and (c) from Duluth and McGregor, Minn., to Pierre, S. Dak., and Sioux City, Des Moines, and Muscatine, Iowa; and 2. *Steel culvert pipe, tarred, corrugated and galvanized pipe, nuts, fence, posts* and *gates,* (a) from Des Moines and Sioux City, Iowa, and Pierre, S. Dak., to points in Minnesota, North Dakota, Wisconsin, and Michigan, and (b) from Duluth and McGregor, Minn., to points in Iowa, Nebraska, South Dakota, North Dakota, Michigan, and Wisconsin; and *rejected or damaged shipments* of the above-described commodities, on return.

HEARING: June 22, 1960, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Maurice S. Bush.

No. MC 119453, filed January 25, 1960. Applicant: G. RICHARD MORRIS, doing business as MORRIS TRANSFER, 180 Canton Street, Troy, Pa. Applicant's attorney: Evan S. Williams, Corner Canton and Main Streets, Troy, Pa. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Hydrogen gas,* from Edgewood, Md. and Niagara Falls, N.Y., to Towanda, Pa., and *empty containers or other such incidental facilities,* used in transporting the above described commodities, on return.

HEARING: May 5, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Robert A. Joyner.

No. MC 119471 (CLARIFICATION), filed February 1, 1960, published in the FEDERAL REGISTER, issue of March 9, 1960. Applicant: FRANKLIN H. EATON, 27 Chapel Street, Calais, Maine. Applicant's atorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Fish, commodities used or useful in the processing and packing of fish,* and *fishing boat machine parts, supplies and equipment,* between Boston and Gloucester, Mass., and the port of entry on the International Boundary Line between the United States and Canada at or near Calais, Maine.

NOTE: Applicant's attorney advises that the proposed transportation involves only service to Petit De Grat, Nova Scotia, Canada.

HEARING: Remains as assigned April 13, 1960, at the New Post Office and Court House Building, Boston, Mass., before Joint Board No. 69, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 119490, filed February 8, 1960. Applicant: ALFRED D. HESKO, doing business as PIONEER TRAILER CONVOY, 1630 Las Vegas Boulevard North, North Las Vegas, Nev. Applicant's representative: Pete H. Dawson, P.O. Box 1007, 1261 Drake Avenue, Burlingame, Calif. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *New house trailers,* in initial movements, in truckaway service, from Los Angeles, Calif., to points in Clark County, Nev. *New and used house trailers,* in secondary movements, in truckaway service, between points in Clark County, Nev., on the one hand, and, on the other, points in Arizona and California.

HEARING: April 22, 1960, at Room 202 State Office Building, Las Vegas, Nev., before Joint Board No. 166, or, if the Joint Board waives its right to participate, before Examiner Richard H. Roberts.

No. MC 119517, filed February 17, 1960. Applicant: GLENN B. PERKINSON, Wise, N.C. Applicant's attorney: John Kerr, Jr., Warrenton, N.C. Authority sought to operate as a *contract carrier,* by motor vehicle, over regular routes, transporting: (1) *Fertilizer,* from Norfolk, Va., to Wise and Warrenton, N.C.: from Norfolk over U.S. Highway 58 to Franklin, Va., thence over U.S. Highway 258 to Murfreesboro, N.C., thence over U.S. Highway 158 to junction U.S. Highway 158 Bypass, thence over U.S. Highway 158 Bypass to Norlina, N.C., and thence over U.S. Highway 1 to Wise; also over the above-specified routes to Murfreesboro, N.C., and thence over U.S. Highway 158 to Warrenton, and return, serving no intermediate points; (2) *Granite,* from Elberton, Ga., to Wise, N.C.: from Elberton over Georgia Highway 72 to the Georgia-South Carolina State Line, thence over South Carolina Highway 72 to Chester, S.C., thence over South Carolina Highway 9 to Cheraw, S.C., and thence over U.S. Highway 1 to Wise, and return, serving no intermediate points; and (3) *Marble,* from Tate, Ga., to Wise, N.C.: from Tate over Georgia Highway 53 to Gainesville, Ga., thence over U.S. Highway 129 to Athens, Ga., thence over Georgia Highway 72 to Elberton, Ga., thence over Georgia Highway 72 to the Georgia-South Carolina State Line, thence over South Carolina Highway 72 to Chester, S.C., thence over South Carolina Highway 9 to Cheraw, S.C., and thence over U.S. Highway 1 to Wise, and return, serving no intermediate points.

NOTE: Applicant states it proposed to go from Wise, N.C. empty to destination, and return with load of specified commodity.

HEARING: May 3, 1960, at the U.S. Court Rooms, Uptown Post Office Building, Raleigh, N.C., before Examiner Robert R. Boyd.

No. MC 119527, filed February 23, 1960. Applicant: LEE GRAHAM, doing business as LOCK HAVEN TRANSFER, 380 Irvin Street, Lock Haven, Pa. Applicant's representative: John W. Frame, 603 No. Front Street, Harrisburg, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Castanea and Lock Haven, Pa., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Virginia, and West Virginia, and *empty containers, pallets, skids, supplies and articles* used in connection with or incidental to the manufacturing of paper or paper products from the above-described destination territory to Castanea and Lock Haven, Pa.

NOTE: Applicant holds common carrier authority in Permit No. MC 93419 and Sub 1. Dual operations under section 212(c) may be involved. Applicant states the proposed transportation will be performed under a continuing contract, or contracts, with Clinton Paper Co., Inc. of Lock Haven, Pa.

HEARING: May 6, 1960, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner Robert A. Joyner.

No. MC 119545, filed February 29, 1960. Applicant: WALTER K. CLAUSON, 1005 George Street, Peoria, Ill. Applicant's attorney: John C. Parkhurst, 1004 Lehmann Building, Peoria 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., to Peoria, Streator, or La Salle, Ill., and between Mobile, Ala. and Peoria, Streator, or La Salle, Ill., and *grain* and *potatoes* on return.

HEARING: June 10, 1960, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Examiner Maurice S. Bush.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 278), filed February 10, 1960. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Street, Maplewood, N.J. Applicant's attorney: Richard Fryling, General Counsel, Law Department, Public Service Coordinated Transport (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between Irvington, N.J., and Maplewood, N.J., from junction Lyons Avenue and Coit Street, Irvington, over Coit Street to junction Chancellor Avenue, thence over Chancellor Avenue to junction Springfield Avenue, Maplewood (applicant's garage). Return over the same route. Serving all intermediate points.

HEARING: May 16, 1960, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 3647 (Sub No. 279), filed February 24, 1960. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, Law Department (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Rahway, N.J., and Carteret, N.J., from junction Hart Street and Randolph Avenue, in Rahway, over Randolph Avenue to Blazing Star Road through Woodbridge, N.J., to Roosevelt Avenue, in Carteret, thence over access roads leading to and from the New Jersey Turnpike at Interchange No. 12, and return over the same route, serving no intermediate points.

HEARING: May 17, 1960, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, N.J., before Joint Board No. 119.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 126 (Sub No. 21), filed March 17, 1960. Applicant: HUEY MOTOR EXPRESS, a corporation, 1040 Flint Street, Cincinnati, Ohio. Applicant's attorney: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Florence, Ky., and Beaverlick, Ky., from Florence over Kentucky Highway 18 to Commissary Corner, Ky., thence over Woolper Creek Road to junction Kentucky Highway 20, thence westerly and southerly over Kentucky Highway 20 to junction Kentucky Highway 18 near Grant, Ky., thence over Kentucky Highway 18 to Maxville, Ky., thence over Lower River Road to junction Kentucky Highway 338 at East Bend Church, thence over Kentucky Highway 338 to Beaverlick, and return over the same route, serving all intermediate points.

No. MC 966 (Sub No. 12), filed March 18, 1960. Applicant: CAPITOL TRUCK LINES, INC., 29 Woodswether Road, Kansas City, Kans. Applicant's attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, commodities injurious or contaminating to other lading, commodities of unusual value, green hides and livestock, between Kansas City, Mo., and St. Joseph, Mo.: from Kansas City over U.S. Highway 71 to the junction with City Route U.S. Highway 71, approximately 9 miles south of St. Joseph, thence over City Route U.S. Highway 71 to St. Joseph, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

No. MC 2202 (Sub No. 184), filed March 18, 1960. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between junction U.S. Alternate 20 and Ohio Highway 2, west of Maumee, Ohio, and junction U.S. Highway 20 and Ohio Highway 2, north of Maumee, Ohio: from junction U.S. Alternate 20 and Ohio Highway 2, over Ohio Highway 2 to junction U.S. Highway 20 and Ohio Highway 2, and return over the same route, serving no intermediate points, and with service at junctions for purpose of joinder only, as an alternate route for operating convenience only.

NOTE: Applicant indicates the service route between Maumee and junction U.S. Highways 20 and U.S. Alternate 20 is over U.S. Highway 20, serving all intermediate points, which is a segment of a route between Fremont, Ohio and Tulsa, Okla., as shown on Sheet 4 of Certificate MC 2202.

No. MC 9148 (Sub No. 3), filed March 21, 1960. Applicant: DEAN THORNTON, doing business as KEYSTONE TRUCKING COMPANY, Main Street, Rushford, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, P.O. Box 25, Webster, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in seasonal operations between the time the St. Lawrence Seaway is open for navigation, transporting: *Petroleum products*, in packages, from Farmers Valley, Pa., to Port of Erie, Pa.; and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

NOTE: Applicant indicates the proposed operations will be in connection with export and intercoastal shipments.

No. MC 19945 (Sub No. 8), filed March 21, 1960. Applicant: BEHNKEN TRUCK SERVICE, INC., Illinois Route 13, New Athens, Ill. Applicant's attorney: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, in bulk, in dump trucks, from Madison County, Ill., to points in Missouri, on and east of U.S. Highway 65, except St. Louis, Mo., and St. Louis County, Mo.

No. MC 25153 (Sub No. 10), filed March 16, 1960. Applicant: MARTIN FREIGHT SERVICE, INC., 100–112 Frick Avenue, Waynesboro, Pa. Applicant's representative: Donald E. Freeman, Uniontown Road, Box 24, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum porches, roof panels, breezeways, car ports, doors, windows, jalousie walls*, and *accessories* thereof,

in van equipment, from Quincy, Pa., to points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and *damaged and rejected shipments* of the above-specified commodities on return movements.

No. MC 30319 (Sub No. 112), filed March 17, 1960. Applicant: SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North San Jacinto, P.O. Box 4054, Houston 14, Tex. Applicant's attorney: Edwin N. Bell, 1600 Esperson Building, Houston 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, between Kaplan, La., and Goliad Corp. Plant site, near Kaplan, La.: from Kaplan over Louisiana Highway 35 and unnumbered Parish Road to said plant site and return over the said route.

NOTE: Applicant states it seeks authority to serve plant site of the Goliad Corporation, which will be located approximately four miles southwest of Cow Island, La., as an off-rail point in connection with regular route operations between New Iberia, La., and Midland, La., over Louisiana State Highway 14.

No. MC 35484 (Sub No. 42), filed March 18, 1960. Applicant: VIKING FREIGHT COMPANY, a corporation, 614 South Sixth Street, St. Louis, Mo. Applicant's attorney: G. M. Rebman, 1230 Boatemen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except dangerous explosives, liquids in bulk, motion picture film, and commodities requiring special equipment, serving the junction of U.S. Highways 40 and 45, at Effingham, Ill., for joinder purposes only, in connection with applicant's authorized regular route operations between Chicago and Cairo, Ill. Applicant states the instant application is filed for clarification purposes only and to remove ambiguity in the existing certificate of applicant. The application is accompanied by a Motion to Dismiss on the ground that applicant presently holds authority to conduct the operations as requested in the instant application without the need for further authority.

No. MC 66562 (Sub No. 1650), filed March 21, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Slovacek and Gallianni, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Willmar, Minn., and Sioux Falls, S. Dak., from Willmar southwesterly on Minnesota Highway 23 to Jasper, Minn., thence west on Minnesota Highway 269 to Minnesota-South Dakota Border, thence south on South Dakota Highway 11 to junction with U.S. Highway 16, thence west to Sioux Falls, S. Dak., and return over the same route serving the intermediate points of Raymond, Clara City, Maynard, Granite Falls, Hanley Falls, Cottonwood, Green Valley, Marshall, Lynd, Russell, Florence, Ruthton, Holland, Pipestone, and Jasper, Minn., and Garretson, S. Dak.

No. MC 110814 (Sub No. 11), filed March 18, 1960. Applicant: W. L. LINKENHOGER, G. N. LINKENHOGER, and J. L. LINKENHOGER, doing business as WESTERN LINES, a PARTERSHIP. Applicant's attorney: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer*, from Etter, Tex., to St. Francis, Tex., restricted to the transportation of shipments originating at Etter, Tex., and destined to points in Iowa, Kansas, Missouri, Nebraska, and Oklahoma, and stopped at St. Francis, Tex., for storage-in-transit only, and furnish no transportation for compensation on return, except as otherwise authorized.

No. MC 112411 (Sub No. 3), filed March 21, 1960. Applicant: KETCHEL STRAUSS, 132 Cottage Avenue, Nicholasville, Ky. Applicant's attorney: William E. Sloan, Security Trust Building, Lexington, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bricks*, (1) from Ashland, Ky., and points in Kentucky and Ohio within twenty-five (25) miles of Ashland, Ky. to Dayton, Ohio and points within five (5) miles of Dayton and Cincinnati, Ohio, and points in the Cincinnati, Ohio, Commercial Zone, as defined by the Commission; and (2) between Lexington, Ky., and points within fifty (50) miles thereof, and Ashland, Ky., and points in Kentucky and Ohio within twenty-five (25) miles of Ashland, Ky.

No. MC 112813 (Sub No. 3), filed March 17, 1960. Applicant: GRANT BRUCE AND HAROLD BRUCE, doing business as RIVERSIDE MARINE, 1016 St. Rose, Riverside, Ontario, Canada. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *New and used boats*, between ports of entry on the International Boundary line between the United States and Canada in Minnesota, Michigan, and New York and points in Florida, Alabama, Georgia, Louisiana, New Hampshire, Mississippi, Virginia, Vermont, Washington, Texas, and California.

No. MC 114067 (Sub No. 15), filed March 18, 1960. Applicant: JAMES W. FORE, doing business as FORE TRUCKING COMPANY, 1376 East Shore Drive, Alameda, Calif. Applicant's attorney: C. S. Sherburne, Central Tower Building, Suite 1700, 703 Market Street, San Francisco 3, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible and inedible animal and vegetable fats*, oils other than petroleum products, *igepol, liquid fertilizers* and *other liquid chemicals*, in bulk, in tank trucks, (1) between points in Alameda, San Mateo, and Contra Costa counties, Calif., and San Francisco, Calif., and points in San Francisco County, Calif., (2) from points in Alameda and San Mateo Counties, Calif., to points in Contra Costa County, Calif., and (3) From points in Contra Costa and San Mateo Counties, Calif., to points in Alameda County, Calif.

NOTE: Applicant states that all such transportation to be destined to and from shipboard under a common control, management or arrangement for a continuous carriage or shipment to or from a point without contiguous municipalities or commercial zone described.

No. MC 114075 (Sub No. 1), filed February 15, 1960. Applicant: CONCRETE PRODUCTS TRANSPORT CO., a corporation, 710 Section Street, Danville, Ill. Applicant's attorney: Paul J. Maton, Suite 1149, 10 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products, clay products, flue liner, metal sash, metal concrete or block wall reinforcing or dur-o-wall reinforcing, manhole rings, manhole steps, drainage castings, masonry waterproofing materials; cement* and *mortar* in bags, and *sand* and *gravel* to be transported in less than truckload lots as complementary to contract haulage, and *empty drums, containers, bags,* and *equipment* on return, between Danville, Ill., and points in Indiana.

No. MC 114759 (Sub No. 2), filed March 17, 1960. Applicant: PAUL COLLIGAN, doing business as COLLIGAN CARTAGE COMPANY, 4711 East Lake Road, Erie, Pa. Applicant's attorney: William C. Carrison, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals* in containers and *compressed gases* in containers of various sizes, in straight or mixed shipments, in carrier-owned trailers or in shipper-owned manifold-tube trailers, loaded or empty. (2) *Gas* or *electric welders*, and *parts* or *accessories* therefor, and *gas or electric welding apparatus, supplies* and *parts or accessories* therefor, and *empty containers* and shipper-owned manifold-tube trailers, loaded or empty, between Warren County, Pa., and points in Chautauqua, Erie, Niagara, Cattaraugus, Orleans, Monroe, Wayne, Ontario, Seneca, Livingston, Genesee, Wyoming, Allegheny, Steuben, Yates, Schuyler, Chemung, Tioga, Tompkins, and Cayuga Counties, N.Y.

No. MC 119530, (Correction), filed February 23, 1960, published in FEDERAL REGISTER issue of March 9, 1960. Applicant: CLARENCE M. MAY AND SCOTT PEARSON, doing business as MAY TRUCKING CO., P.O. Box 398, Payette, Idaho. Applicant's attorney: Kenneth G. Bell, 203 McCarty Building, Boise,

Idaho. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Prefabricated buildings*, unassembled and knocked down and their component parts and fittings, from Ontario, Oreg., to points in Idaho south of Salmon River, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities on return.

NOTE: The purpose of this republication is to correctly reflect carriers name and trade name as shown above. Applicant holds contract carrier authority in MC 106871 and subs thereunder.

MOTOR CARRIER OF PASSENGERS

No. MC 116660 (Sub No. 1), filed March 18, 1960. Applicant: CHARLES R. PETROZZI, doing business as UNITED TRAVEL SERVICE, 339 14th Street, Niagara Falls, N.Y. Applicant's attorney: Clarence E. Rhoney, 94 Oakwood Avenue, P.O. Box 357, North Tonawanda, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing or pleasure tours, limited to the transportation of not more than eight (8) passengers in any one vheicle, but not including the driver thereof, and not including children under ten years of age who do not occupy a seat or seats, in seasonal operations between May 1, and October 31, inclusive, of each year, (1) beginning and ending at Niagara Falls, N.Y., and points in Niagara County, N.Y., within six (6) miles thereof, and extending to ports of entry on the International Boundary line between the United States and Canada at or near Niagara Falls and Lewiston, N.Y.; and (2) beginning and ending at points in Erie County, N.Y., located on U.S. Highway 62 to junction New York Highway 324, and extending to ports of entry on the International Boundary line between the United States and Canada at or near Niagara Falls and Lewiston, N.Y.

NOTE: Any duplication with present authority to be eliminated.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIER OF PASSENGERS

No. MC 12728, filed March 14, 1960. Applicant: EARL L. HARMON, doing business as HARMON TOURS, P.O. Box 7, Hammett, Idaho. Authority sought to operate as a *broker* (BMC 5) at Hammett, Idaho, in arranging for transportation in interstate or foreign commerce by motor vehicle, of: *Passengers and their baggage*, beginning and ending at Hammett, Idaho, and extending to points in the United States.

NOTE: Applicant states he proposes to arrange for all expense tours for chartered groups such as churches, schools, etc., and will not transport freight or newspapers.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7164 (CALIFORNIA MOTOR TRANSPORT CO., LTD.—PURCHASE—STOCKTON MOTOR EXPRESS AND CIRCLE FREIGHT LINES), published in the April 22, 1959, issue of the FEDERAL REGISTER on page 3143. Supplemental application filed March 23, 1960, for substitution of WESTERN TRANSIT SYSTEMS, INC., and, in turn, JESSE L. HAUGH, both of 235 Broadway, San Diego 1, Calif., as the parties in control of vendee. Applicants' attorneys: Waldo K. Greiner, 235 Broadway, San Diego 1, Calif., and Berol and Geernaert, 100 Bush Street, San Francisco 4, Calif. Application assigned for hearing April 13, 1960, in San Francisco, Calif., at the New Mint Building, 133 Hermann Street.

No. MC-F 7471 (correction) (McDUFFEE MOTOR FREIGHT, INC.—CONTROL—CUMBERLAND MOTOR FREIGHT INC.), published in the March 16, 1960, issue of the FEDERAL REGISTER on page 2190. McDUFFEE MOTOR FREIGHT, INC., should have been shown as a *common carrier* in Kentucky and Ohio.

No. MC-F 7483. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE (A DELAWARE CORPORATION), 175 Linfield Drive, Menlo Park, Calif., of the operating rights and certain property of EARL HOUK, doing business as WESTERN NEBRASKA TRANSPORT SERVICE, 409 West 27th, Scottsbluff, Nebr., and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., also of Menlo Park, of control of such rights and property through the purchase. Applicants' attorney: Ronald E. Poelman, 175 Linfield Drive, Menlo Park, Calif. Operating rights sought to be transferred: *Petroleum products*, in bulk, as a *common carrier* over regular routes, from Parco, Wyo., to Grand Island and Cambridge, Nebr., serving certain intermediate and off-route points restricted to delivery only; *petroleum products*, in bulk, over irregular routes, from refining and distributing points in Wyoming to certain points in Nebraska; *liquid petroleum products*, in bulk, in tank trucks, from refining and distributing points in Wyoming, other than Casper, to certain points in Nebraska; *refined petroleum products*, in bulk, in tank trucks, from Evansville, Wyo., and points within 2 miles thereof, excluding Casper, Wyo., and from Glenrock, Wyo., to Madrid, Lewellen, Lisco, and Oshkosh, Nebr., and points within 1 mile of Oshkosh; *petroleum products*, in bulk, in tank vehicles, from Cheyenne, Wyo., and points within five miles thereof, to certain points in Nebraska; *crude oil*, in bulk, in tank vehicles, between points in Nebraska within 100 miles of Scottsbluff, Nebr., including Scottsbluff, and from points in Cheyenne County, Nebr., to Northport, Nebr., (subject to the conditions that the operations authorized shall be conducted separately from carrier's private carrier activities, that completely separate accounting systems shall be maintained for carrier's private and for-hire operations, and that carrier shall not transport property both as a for-hire and as a private carrier in the same vehicle at the same time); *petroleum and petroleum products* (except crude petroleum and liquified petroleum gas), as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Sidney, Nebr., to points in Sedgwick, Logan, Phillips, Yuma, and Washington Counties, Colo. Vendee is authorized to operate as a *common carrier* in Alaska, Hawaii, Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, Alabama, Pennsylvania, West Virginia, and Maryland. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7484. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE (A DELAWARE CORPORATION), 175 Linfield Drive, Menlo Park, Calif., of the operating rights and property of R. J. CROUTHAMEL, 855 Cherry Street, P.O. Box 792, Norristown, Pa., and for acquisition by CONSOLIDATED FREIGHTWAYS, INC., also of Menlo Park, of control of such rights and property through the purchase. Applicants' attorneys: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C., and Eugene T. Liipfert, 175 Linfield Drive, Menlo Park, Calif. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points within one mile of Philadelphia, Norristown, Bridgeport, and Conshohocken, Pa., including the points named. Vendee is authorized to operate as a *common carrier* in Alaska, Hawaii, Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, Alabama, Pennsylvania, West Virginia, and Maryland. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7485. Authority sought for control by McDUFFEE MOTOR FREIGHT, INC., 332 High School Avenue, Lebanon, Ky., of ARNOLD LIGON TRUCK LINE, INC., U.S. 41 South, Madisonville, Ky., and for acquisition by W. C. McDUFFEE, also of Lebanon, of control of ARNOLD LIGON TRUCK LINE, INC., through the acquisition by McDUFFEE MOTOR FREIGHT, INC. Applicant's attorney: Robert M. Pearce, Box 127, Frankfort, Ky. Operating rights sought to be controlled: *General commodities*, except those of unusual value, Class A and B explosives, beer, ale, intoxicating beverages, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a

common carrier over regular routes between Evansville, Ind., and White Plains, Ky., between Paducah, Ky., and Evansville, Ind., between specified points in Kentucky, between Hopkinsville, Ky., and Nashville, Tenn., and between Nortonville, Ky., and Nashville, Tenn., serving certain intermediate and off-route points; alternate routes for operating convenience only between Henderson, Ky., and Louisville, Ky., and between Beaver Dam, Ky., and Owensboro, Ky. With respect to the remaining operations, and the agreement between the parties provides that such operating rights will be transferred to ARNOLD LIGON, authority for which will be sought by an application under section 212(b). These rights are as follows: *lumber, oak treads, oak risers, oak sills, oak moldings, pallets, skids, bases, crates, boxes, veneer, baskets, commodities,* the transportation of which because of their size or weight requires the use of special equipment, *related machinery parts, related contractors' materials and supplies,* when their transportation is incidental to the transportation of such commodities, except prefabricated buildings, and except oilfield commodities, *building and excavating contractors' and mining machinery and equipment, road building equipment and machinery, such commodities as require special handling because of size or weight* (except oilfield commodities), *such bulk commodities as are usually transported in dump vehicles,* in bulk, in dump vehicles, *radioactive semiprocessed feed material,* in granular form, in hopper type containers, *mine roof bolts,* assembled or unassembled, and *Class D, group III poisons (radioactive materials),* in shipper-owned tank vehicles, over irregular routes, from, to or between points and areas, varying with the commodity transported, in Tennessee, Kentucky, Illinois, Indiana, Michigan, Ohio, Alabama, Arkansas, Georgia, Mississippi, Louisiana, Minnesota, Connecticut, Massachusetts, New Jersey, New York, Wisconsin, Iowa, Kansas, Missouri, North Carolina, Pennsylvania, Virginia and West Virginia. McDUFFEE MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Kentucky and Ohio. Application has been filed for temporary authority under section 210a (b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F 7486. Authority sought for merger into THE GREYHOUND CORPORATION, 140 South Dearborn Street, Chicago 3, Ill., of the operating rights and property of RICHMOND GREYHOUND LINES, INC., Broad at Jefferson Streets, Richmond 20, Va. Applicants' attorney: George W. Rauch, 140 South Dearborn Street, Chicago 3, Ill. Operating rights sought to be merged: *Passengers and their baggage,* and *express, newspapers,* and *mail,* in the same vehicle with passengers, as a *common carrier* over regular routes, between Washington, D.C., and Norfolk, Va., between Norfolk, Va., and Baltimore, Md., between Fortress Monroe (Old Point Comfort), Va., and Norfolk, Va., between Lee Hall, Va., and Brays, Va., between Washington, D.C., and Leonardtown, Md., between Williamsburg, Va., and Jamestown, Va., between Tappahannock, Va., and Fredericksburg, Va., between Owens, Va., and junction Virginia Highway 614 and U.S. Highway 301, between Williamsburg, Va., and Newport News, Va., between Leonardtown, Md., and Patuxent River Naval Air Station, Md., between Richmond, Va., and junction U.S. Highway 17 and Virginia Highway 168, between the south end of Highway Bridge across the Potomac River, on U.S. Highway 1, southwest of Washington, D.C., and junction Virginia Highway 350 and junction U.S. Highway 1, near Woodbridge, Va., between Williamsburg, Va., and Jamestown, Va., and between Norfolk, Va., and junction Hampton Roads Bridge-Tunnel route and Virginia Highway 168 at or near Warwick, Va., serving certain intermediate points; several alternate routes for operating convenience only; *passengers and their baggage,* and *express, newspapers,* in the same vehicle with passengers, between Potomac Beach, Va., and Newburg, Md., serving all intermediate points. THE GREYHOUND CORPORATION is authorized to operate as a *common carrier* in 48 States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–2868; Filed, Mar. 29, 1960; 8:49 a.m.]

[Notice 38]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OR PERMIT

MARCH 25, 1960.

The following application is filed under the "grandfather" clause of section 7(c) of the Transportation Act of 1958. The matter is governed by Special Rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provides, among other things, that this publication constitute the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each), must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

No. MC 118392 (REPUBLICATION), filed December 10, 1958, published in the FEDERAL REGISTER, issue of June 11, 1959. Applicant: HARRY E. HELLER and DONALD F. NOTTKE, doing business as HELLER AND NOTTKE, 622 Webster Street, Traverse City, Mich. Applicant's attorney: Clifford W. Prince, 191 North Michigan Avenue, Shelby, Mich. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries* and *frozen vegetables,* between points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Texas, Wisconsin and Missouri.

NOTE: The purpose of this republication is to add the State of Missouri inadvertently omitted from the previous publication, but listed in applicant's list of representative shipments.

HEARING: Remains as assigned April 18, 1960, at the Olds Hotel, Lansing, Mich., before Examiner Hugh M. Nicholson.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–2867; Filed, Mar. 29, 1960; 8:49 a.m.]

[Notice 286]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 25, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62886. By order of March 23, 1960, the Transfer Board approved the transfer to Thomas F. Buzby, doing business as Maryland-Pennsylvania Express, Baltimore, Md., of a portion of Certificate No. MC 113524, issued September 23, 1957, to James F. Black, doing business as Parkville Trucking Company, Baltimore, Md., authorizing the transportation of: Salt, from Ludlowville, Silver Springs, and Watkins Glen, N.Y., to points in Maryland and Virginia (except points south of the Chesapeake and Delaware Canal and east of the Chesapeake Bay) and the District of Columbia. Dale C. Dillon, 1825 Jefferson Place NW., Washington, D.C., for applicants.

No. MC–FC 62922. By order of March 23, 1960, the Transfer Board approved the transfer to Guide Motor Freight, Inc., Glen Cove, N.Y., of Certificate No. MC 3093, issued July 23, 1959, to Harold F. Cambeis, Jersey City, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk and other specified commodities between Newark, N.J., and New York, N.Y., serving specified intermediate and off-route points in New

Jersey and return over same route. John B. Avanzino, 220 Nassau Boulevard, Garden City, N.Y., Bowes & Millner, 1060 Broad Street, Newark, N.J.

No. MC–FC 62933. By order of March 23, 1960, the Transfer Board approved the transfer to W. L. Winner III, doing business as BATC, Burlingame, Calif., of that portion of the operating rights issued to American Buslines, Inc., Lincoln, Nebr., in Certificate No. MC 2890 Sub 18, issued by the Commission September 12, 1952, as amended by orders of November 5, 1953, April 29, 1955, May 16, 1958, and February 25, 1960, authorizing the transportation, over regular routes, of passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, between Sacramento, Calif., and Oakland, Calif., and between Rio Vista, Calif., and junction California Highways 12 and 24. Pete H. Dawson, P.O. Box 1007, Burlingame, Calif., for applicants.

No. MC–FC 62981. By order of March 24, 1960, the Transfer Board approved the transfer to W. Thomas Morris, Troy, Pa., of Certificates Nos. MC 71530, MC 71530 Sub 1, MC 71530 Sub 2, MC 71530 Sub 3 and MC 71530 Sub 8, issued January 16, 1941, August 1, 1942, October 16, 1942, January 5, 1943, and December 1, 1949, respectively, to W. Earl Applegate, Cranbury, N.J., authorizing the transportation of: Fertilizer and fertilizer materials, machinery used in the manufacture of fertilizer, agricultural commodities, animal and poultry feeds, feed, animal and poultry feeding materials, potatoes, building stone, farm machinery, canned goods, shrubbery and evergreens, lime, lumber, insecticides and fungicides, burlap bags, hay and straw, coal, soy beans, grain, salt hay, grain, manure and paper bags, from, to and between points as specified in Connecticut, Maryland, Delaware, New Jersey, New York, and Pennsylvania. The Transfer Board also approved and authorized the substitution of W. Thomas Morris as applicant in pending application No. MC 71530 Sub 12. Robert Watkins, 170 South Broad Street, Trenton, N.J., for applicants.

No. MC–FC 62991. By order of March 23, 1960, the Transfer Board approved the transfer to Barsh Truck Lines, Inc., Joplin, Mo., of Certificate in No. MC 60303, issued November 20, 1956, to Roy Barsh, doing business as Roy Barsh Truck Line, Joplin, Mo., authorizing the transportation of: Glassware from specified points in Oklahoma, to named points in Missouri, Wyoming, and Arizona, and points in Arkansas, Texas, New Mexico, Colorado, Kansas, Mississippi, Alabama, Georgia, and Florida, and canned citrus products, from Barstown, Fla., and points within 50 miles thereof, to points in Arkansas, Oklahoma, Kansas, Missouri, Iowa, and Nebraska.

No. MC–FC 62997. By order of March 23, 1960, the Transfer Board approved the transfer to Craft Transport Company, Inc., Kingsport, Tenn., of Certificate in No. MC 104057 Sub 7, issued August 30, 1945, to R. G. Craft and Ruth Vines Craft, a partnership, doing business as Craft Transport Company, Gate City, Va., authorizing the transportation of: Petroleum products, in bulk, in tank trucks, from Warcer, Tenn., to specified points in Virginia. Lon P. MacFarland, Middle Tennessee Bank Building, Columbia, Tenn., for applicants.

No. MC–FC 63045. By order of March 23, 1960, the Transfer Board approved the transfer to Truman Wang, doing business as Winger Truck Line, Winger, Minn., of the operating rights issued to O. L. Flermoen, doing business as Flermoen Truck Line, Winger, Minn., November 2, 1949, in Certificate No. MC 108915, authorizing the transportation, over irregular routes, of livestock, between Fosston, Minn., and points within 15 miles of Fosston, on the one hand, and, on the other, Union Stockyards, N. Dak., and from Fosston, Minn., and points within 20 miles of Fosston, to Armour Packing house adjacent to West Fargo, N. Dak., and from points more than 15 but not more than 20 miles from Fosston, Minn., to Union Stockyards, N. Dak., feed, seed, farm machinery, and millwork, including screen, from Fargo, N. Dak., to Fosston, Minn., and points within 20 miles of Fosston, and such merchandise as is dealt in by retail grocery and food business houses, from Fargo, N. Dak., to Fosston, Minn. A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–2869; Filed, Mar. 29, 1960; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 24, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36095: *Gravel—Attica, Ind., to Decatur, Ill.* Filed by Illinois Freight Association, Agent (No. 94), for and on behalf of the Wabash Railroad Company. Rates on screened gravel, in carloads from Attica, Ind., to Decatur, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 77 to Wabash Railroad tariff I.C.C. 7844.

FSA No. 36096: *Sugar—North Atlantic Ports to Chicago, Ill.* Filed by Traffic-Executive Association-Eastern Railroads, Agent (ER No. 2531), for interested rail carriers. Rates on sugar, beet or cane, dry, in carloads, as described in the application from North Atlantic ports and points grouped therewith, as described in the application to Chicago, Ill.

Grounds for relief: Port equalization with New Orleans, and maintaining port relationships.

Tariffs: Supplement 29 to Trunk Line Territory Tariff Bureau, tariff I.C.C. A–1087. Supplement 56 to New England Territory Railroads Tariff Bureau, tariff I.C.C. 573.

FSA No. 36097: *Soybean oil cake or meal—WTL to Mountain-Pacific Territory.* Filed by Western Trunk Line Committee, Agent (No. A–2116), for interested rail carriers. Rates on soybean oil, cake or meal, carloads from points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin to points in Colorado, Idaho, Montana, Nevada, Utah, and Wyoming.

Grounds for relief: Truck competition.

Tariff: Supplement 51 to Trans-Continental Freight Bureau, tariff I.C.C. 1578.

FSA No. 36098: *Asphalt pavement surface sealer—Within IFA Territory and to the South.* Filed by Illinois Freight Association, Agent (No. 93), for interested rail carriers. Rates on asphalt pavement surface sealer, coal tar base, in carloads between points in Illinois territory, and also between points in Illinois territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 37 to Illinois Freight Association tariff I.C.C. 917. Supplement 51 to Illinois Freight Association tariff I.C.C. 919.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–2808; Filed, Mar. 28, 1960; 8:47 a.m.]

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